



WP.(MD).No.3590 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3590 of 2024

V.Malini

... Petitioner

Vs.

1.The Tahsildar,
Aundipatti Taluk,
Aundipatti,
Theni District.

2.The Taluk Surveyor,
Aundipatti Taluk,
Aundipatti,
Theni District.

3.The Birka Surveyor,
O/o. the Birka Surveyor,
Lakshmipuram Road,
Aundipatti,
Aundipatti Taluk,
Theni District.

4.M.Murugeswari

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to conduct the survey and boundary mark in the



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land comprised in Survey No.1655/2E, Patta No.5947, Aundipatti Bit-2, Aundipatti Taluk, Theni District by considering the petitioner's online E-Challan dated 18.04.2023 in Challan No. 20230418019647 and the petitioner's representation dated 19.04.2023.

For Petitioner : Mr.N.Pragalathan
For Respondents 1 to 3: Mr.P.Thambi Durai
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the nature of the case, notice to the fourth respondent is dispensed with.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents 1 to 3 to conduct the survey and boundary mark in the land comprised in Survey No. 1655/2E, Patta No.5947, Aundipatti Bit-2, Aundipatti Taluk, Theni District by considering the petitioner's online E-Challan dated 18.04.2023 in Challan No.20230418019647 and the petitioner's representation dated 19.04.2023.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The land comprising an area of 1 acre 38 ½ cents in Aundipatti Village, Theni District, originally belongs to the petitioner's great grandfather Kalimuthu @ Chinnakalimuthu. He was survived by the petitioner's grandfather one Perumal Gounder, Ramasamy @ Periyaramasamy, Chinnarasamy and Paramasivaram. The legal heirs of late Kalimuthu @ Chinnakalimuthu effected oral partition with respect to those lands and the same was allotted to four persons respectively. That apart, a well and motor pump set situated there at were sub divided as 1655/2D and it was agreed between the said holders that the motor pump set would remain common for all the four persons and that the irrigation to all those lands should be done through the 3 feet common pathway, situated on the eastern side of the land, from the said common well and pump set. The petitioner's grandfather executed a registered sale deed dated 03.11.1997 in favour of the petitioner with respect to his land consisting an area of 30.875 cents comprised in Survey No. 1655/2E. The fourth respondent is the daughter of the petitioner grandfather's brother Ramasamy @ Periyaramasamy. The said Ramasamy @ Periyaramasamy executed a settlement deed with respect to the land in Survey No.1655/2F in favour of the fourth respondent. While taking domestic electricity connection to the



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fourth respondent's house, a dispute arose between the petitioner and the fourth respondent. Hence, the petitioner made an application to conduct a survey on the said land on 18.04.2023 and the same was not acted upon. Hence, the petitioner made a representation to the respondents on 19.04.2023 in this regard and the same was not considered. Hence, this Writ Petition came to be filed.

4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and carefully perused the entire materials available on record.

5.Considering the limited scope of relief sought for by the petitioner, this Court hereby direct the respondents 1 to 3 to issue notice on the fourth respondent and thereafter, conduct a survey in the subject property as requested by the petitioner vide his representation dated 19.04.2023 within a period of four weeks from the date of receipt of copy of this order.



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6.In view of the above, this Writ Petition stands disposed of.

There shall be no order as to costs.

16.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

- 1.The Tahsildar,
Aundipatti Taluk,
Aundipatti,
Theni District.
- 2.The Taluk Surveyor,
Aundipatti Taluk,
Aundipatti,
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- 3.The Birka Surveyor,
O/o. the Birka Surveyor,
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