



W.P.(MD) No.10199 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.10199 of 2023

Jayanthi

... Petitioner

/vs./

1.The District Collector,
Pudukkottai District.

2.The Revenue Divisional Officer,
Alangudi Taluk,
Pudukkottai District.

3.The Tahsildar,
Alangudi Taluk,
Pudukkottai District.

4.The Land Surveyor,
Alangudi Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to survey the properties comprised in S.F.Nos.63/1A1 with an extent of 0.16 Ares (39 1/2



W.P.(MD) No.10199 of 2023

Cents), 63/1A2 with an extent of 636 Sq. feet situates at Seriyalur Zamin Village, Alangudi Taluk, Pudukkottai District and demarcate the boundary of the properties by considering the petitioner's representation dated 03.04.2023 within a time that may be stipulated by this Court.

For Petitioner : M/s.R.Karthika

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus directing the third respondent to survey the properties comprised in S.F.Nos. 63/1A1 with an extent of 0.16 Ares (39 1/2 Cents), 63/1A2 with an extent of 636 Sq. feet situate at Seriyalur Zamin Village, Alangudi Taluk, Pudukkottai District and demarcate the boundary of the properties by considering the petitioner's representation dated 03.04.2023.

2. The petitioner would submit that her son, Pandeewaran, had been gifted an extent of 0.16 ares (39 ½ cents) in S.Nos.63/1 A1 and 636 sq.ft., in S.No.63/1 A2 at Seriyalur Zamin Village, Alangudi Taluk, Pudukkottai District by his grandfather, namely Periyasamy under a registered inam settlement deed dated



W.P.(MD) No.10199 of 2023

WEB COPY

08.12.2021. Patta was also registered in respect of the aforesaid properties. The petitioner had submitted an application for surveying the lands. However, the respondents 3 and 4 had not taken any steps to survey the properties.

3. Meanwhile, steps were being taken by the respondents 2 and 3 to built a road in the property belonging to the petitioner's minor son and an objection was raised by the petitioner and she had also filed a suit O.S.No.148 of 2008 for declaration and permanent injunction restraining the first respondent and the local body and their agents from building the road in S.No.63/1 A1, measuring an extent of 0.16 ares. The said suit was decreed in favour of the plaintiff. There was no further appeal by the defendants, which included the first respondent as well. On 20.03.2023, the petitioner had approached the second respondent to direct the respondents 3 and 4 to survey and demarcate the boundaries. However, the Revenue Officials informed that since the road was to be laid, the survey could not be conducted. Therefore, another representation was submitted, which was also not responded to. Hence, the present writ petition.

4. Heard the learned counsel on either side.



W.P.(MD) No.10199 of 2023

WEB COPY

5. Considering the fact that the petitioner had obtained a decree in respect of the property, wherein her title has been declared against which there is no further appeal, the Writ Petition stands allowed, directing the respondents to survey the petition mentioned property. The petitioner shall submit all the relevant records to show her title to the property and the respondents shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter proceed to pass orders either surveying the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

24.09.2024

mm

To

- 1.The District Collector,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Alangudi Taluk, Pudukkottai District.

4/6



W.P.(MD) No.10199 of 2023

WEB COPY

3.The Tahsildar,
Alangudi Taluk,
Pudukkottai District.

4.The Land Surveyor,
Alangudi Taluk,
Pudukkottai District.



WEB COPY



W.P.(MD) No.10199 of 2023

P.T.ASHA, J.

mm

W.P.(MD) No.10199 of 2023

24.09.2024