



W.P.(MD) No.10226 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.10226 of 2023

I.Sajidha Parveen
Represented by her Power Agen
S.Ismail Mohideen

.. Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Trichirappalli District,
Trichirappalli.

2.The Commissioner,
Trichirappalli Corporation,
Trichirappalli.

3.The Tahsildhar,
Trichirappalli East Taluk,
Trichirappalli.

4.The District Surveyor,
Trichirappalli District,
District Collectorate Campus,
Trichirappalli.

5.Appar

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 3rd respondent to direct the fourth respondent to do proper survey in the fields of the entire layouts by taking note of old survey numbers, layout's Master Sketch, Revenue Records and all survey stones and to mark the lands in TS.No. 32/1A14 an extent of 2400 Sq.fts Reddynagar Plot No.23, Corporation Ward No.AV in Kottapattu Village, Trichirappalli East Taluk, Trichirappalli District by considering the petitioner's application dated 05.04.2023 and for other such reliefs within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For R1 to R4 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a writ of Mandamus to direct the third respondent to direct the fourth respondent to do proper survey in the fields of the entire layouts by taking note of old survey numbers, layout's Master Sketch, Revenue Records and all survey stones and to mark the lands in TS.No.32/1A14 an extent of 2400 Sq.fts Reddynagar Plot No.23, Corporation Ward No.AV in Kottapattu Village, Trichirappalli East Taluk, Trichirappalli District, by considering the petitioner's application dated 05.04.2023.



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2.The case of the petitioner is that the petitioner's daughter viz., his power principal has purchased the aforesaid property from one Mohammed Rabiq, the power agent of Dhanasekar and his wife Lalitha through a registered sale deed dated 26.08.2016. From the date of purchase, the petitioner's daughter is in peaceful possession and enjoyment of the same. For maintaining the subject property, his daughter gave power to him through a registered power of attorney, dated 11.04.2022. In the said circumstances, necessary changes were mutated in the revenue records and separate Survey No.32/1A14 was made in the name of his daughter. Originally the property in S.No.339/3 to an extent of 16 acres 32 cents, S.No.349 to an extent of 10 acre 36 cents, S.No. 335/4 an extent of 4 acre 8 cents were situated in Kottapattu Village at Trichirappalli District. In which, 3 acres 2 cents was mixed with the above three survey numbers and it was divided into four layouts containing hundreds of plots by the fifth respondent. In which, the petitioner has purchased 23rd plot an extent of 2400 sp.fts. The petitioner further submitted that after demarcation his plot, new S.No.32/1A14 has been given, which is situated in the centre of the said layout. Thus, there



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are lot of confusion in the alignment in east and west of his plot No.23.

In spite of several surveys, the said confusions were not resolved. While so, the petitioner sent a detailed application on 05.04.2023 to the respondents to survey the lands. Since no action has been taken, the present writ petition is filed.

3.The learned counsel for the petitioner submitted that the petitioner's property, in the plan appendid to her registered sale deed dated 26.08.2016, is shown as Plot Nos.23.

4.However, the learned Additional Government Pleader, on instructions, would submit that the layout plan which is available with them does not reflect these properties.

5.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.



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6.Considering the request of the petitioner and also the fact that the petitioner has made his application as early as in April, 2023 and considering the fact that a layout has been forwarded, a mandamus is issued to the fourth respondent to conduct survey of the petition mentioned property. The petitioner shall submit all the relevant records to show the title to the property and the fourth respondent shall, after issuing notice to the petitioner and the neighbouring land owners and interested parties, identify the petitioner's property and after the petitioner's property is identified in the layout, proceed to pass orders either surveying the property or rejecting the request. In case it is not identified, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is allowed. No costs.

09.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.
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To

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