



W.P.(MD) No.19520 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.19520 of 2024

Selvi

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk,
Madurai District-625 106.

3.The Inspector of Police,
Melavalavu Police Station,
Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the second respondent to survey and demarcate the petitioner's property in S.Nos. 42/6, 43/2 and 24/2B of Sekkipatti Village, Melur Taluk, Madurai District and to direct the third respondent to accord police protection for the same by considering the petitioner's representation dated 06.07.2024 within the time that may be stipulated by this Court.



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W.P.(MD) No.19520 of 2024

For Petitioner : Mr.Shaazim Shagar
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for a mandamus to the second respondent to survey and demarcate his property in S.Nos.42/6, 43/2 and 24/2B of Sekkipatti Village, Melur Taluk, Madurai District, and to further direct the third respondent to accord police protection for the same by considering the petitioner's representation dated 06.07.2024.

2. The case of the petitioner is that she is a resident of Sekkipatti Village, Madurai and the lands in S.Nos.42/6, 43/2 and 24/2B of the aforesaid village originally belonged to one Mookan, who is the grandfather of the petitioner's late husband Sekar, son of Subbiah. Mookan died in the year 2008 and his wife is also no more. Further, Mookan's son Subbiah predeceased him. Subbiah's wife Chithammal died in the year 2019. Subbiah and Chinthammal had two children and their elder son is the petitioner's husband, who is no more and at present, Subbiah's younger son is surviving. Since the petitioner's husband died



W.P.(MD) No.19520 of 2024

when she was 29 years old, leaving her and three female children, the elders in the petitioner's family remarried her to one Silamparasan, son of Subbiah, who is the petitioner's late husband's own younger brother. Now the only surviving legal heirs entitled to the subject lands are the petitioner, her husband Silamparasan and her children. The patta for the said lands still stands in the name of the said Mookan. Since the petitioner's husband is working abroad, the petitioner intends to fence the property by demarcating the boundaries. Therefore, the petitioner had paid the requisite fee for surveying and obtained receipt for the same bearing Challan No.20240627044638, dated 27.06.2024. The petitioner had also sent a representation dated 06.07.2024 to the respondents to survey and demarcate the boundaries of the subject properties. Since no action has been taken on the same, the petitioner is before this Court by way of this writ petition.

3. Heard the learned counsel on either side.

4. Considering the request of the petitioner and also the fact that the petitioner's representation is dated 06.07.2024, a mandamus is issued



W.P.(MD) No.19520 of 2024

to the second respondent to conduct survey and subdivision of the petition mentioned property. The petitioner shall submit all the relevant records to show the title to the property and the second respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. If there is any obstruction while surveying the lands, necessary police protection may also be given by the third respondent on the request of the petitioner. The aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is allowed. No costs.

14.08.2024

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

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W.P.(MD) No.19520 of 2024

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P.T.ASHA, J.

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