



W.P.(MD) No.22123 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22123 of 2024

Selvi

.. Petitioner

Vs.

1.The Tahsildar,
Manapparai Taluk Office,
Manapparai,
Trichy District.

2.The Taluk Surveyor,
Manapparai Taluk Office,
Manapparai,
Trichy District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to conduct survey the property in survey number 101/2 for an extent of 1 Acre and 82 ½ Cents and Survey number 101/5 for an extent of 1 Acre and 49 cents situated at Palayakottai Village Manapparai Taluk, Trichy on the basis of petitioner's application, dated 01.08.2024 within the frame fixed by this Court.



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W.P.(MD) No.22123 of 2024

For Petitioner : Mr.T.Vadivelan
For Respondents : Mr.D.S.Neduncheziyan
Government Advocate

ORDER

This writ petition is filed for a mandamus to direct the respondents to conduct survey and mark the boundaries of the property comprised in S.Nos.101/2 and 101/5 measuring an extent of 1 Acre and 82 ½ Cents and 1 Acre and 49 cents respectively situated at Palayakottai Village, Manapparai Taluk, Trichy on the basis of petitioner's application, dated 01.08.2024.

2. The case of the petitioner is that her father-in-law had purchased the petition mentioned property under document no.1802 of 1991. He had been in possession and enjoyment of the same since then. After his demise, the petitioner's husband had been in possession and enjoyment of the same. The petitioner's husband had died intestate leaving behind the petitioner, his son and daughter as his sole surviving legal representatives on 11.01.2019. After his demise, the petitioner had acquired the property



W.P.(MD) No.22123 of 2024

by way of succession. The patta is also standing in her name. On 29.07.2024, the petitioner had made an application to the 1st respondent and had paid necessary fee for conducting survey in the said property. Since no further action has been taken on the side of the respondents, she had sent another representation on 01.08.2024. Since the representations did not evoke any response, the petitioner has approached this Court.

3. The learned Government Advocate would submit that the brother-in-law of the petitioner is objecting to survey the land.

4. Heard the learned counsel on either side.

5. Considering the request of the petitioner and also the fact that the petitioner has made his representation as early as in July, 2024, a Mandamus is issued to the respondents to conduct survey and mark the boundaries in 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 brother-in-law of the



W.P.(MD) No.22123 of 2024

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petitioner, adjacent land owners and interested parties, hold an enquiry and thereafter proceed to pass orders either surveying and demarcating 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 twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands allowed. No costs.

18.09.2024

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

- 1.The Tahsildar,
Manapparai Taluk Office,
Manapparai,
Trichy District.
- 2.The Taluk Surveyor,
Manapparai Taluk Office,
Manapparai, Trichy District.



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W.P.(MD) No.22123 of 2024

P.T.ASHA, J.

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W.P.(MD) No.22123 of 2024

18.09.2024