



W.P.(MD) No.23593 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23593 of 2024

Chitradevi

.. Petitioner

Vs.

1.The Tahsildar,
Theni Taluk,
Theni District.

2.The Town Surveyor,
Allinagaram Municipality,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to survey and demarcate the property in T.S.No.24 (measuring about 5 cents) Old S.No.1713 situated at Block:0005, Ward-D, Theni Allinagaram Town, Theni Taluk, Theni District as per the provision contemplated under Sections 9 and 10 of the Tamil Nadu Survey and Boundaries Act, 1923.

For Petitioner : Mr.S.Srikanth



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For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

Seeking a mandamus to the respondent to survey and demarcate the property in T.S.No.24 (measuring about 5 cents) Old S.No.1713 situated at Block:0005, Ward-D, Theni Allinagaram Town, Theni Taluk, Theni District as per the provision contemplated under Sections 9 and 10 of the Tamil Nadu Survey and Boundaries Act, 1923, the petitioner is before this Court.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that the property measuring about 5 cents in T.S.No.24, Old S.No.1713, situated at Block:0005, Ward-D, Theni Allinagaram Town, Theni Taluk, Theni District was partitioned between Kunjarthammal @ Kunjaram and Alagusubbulakshmiammal. The partition was initiated by Alagusubbulakshmiammal, who filed a suit in O.S.No.350 of 1973 before the Subordinate Court, Dindigul.



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Subsequently, an interlocutory application was filed by her. While so, the parties reached an amicable agreement and made a joint endorsement requesting the Court to pass a final decree for partition. The Court passed a decree for equitable distribution of the property. Kunjarathammal @ Kunjaram is the mother of the petitioner's maternal grandfather. After the demise of the said Kunjarathammal @ Kunjaram, the property in question was transferred into the name of the petitioner's maternal grandfather viz., Subramaniyapillai. After his demise, the petitioner's mother took possession of the property. The title and documents relate to this property continue in the name of the petitioner's maternal grandfather. On 27.08.2024, by way of remitting the required fee, the petitioner requested the first respondent to survey the petition mentioned property. However, no action has been taken on the same. Hence, the writ petition.

4. Considering the request of the petitioner and also the fact that the petitioner has remitted the requisite fee as early as on 27.08.2024, a mandamus is issued to the respondents to conduct survey and subdivision



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of the petition mentioned property. The petitioner shall submit all the relevant records to show his 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 and subdividing 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.

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

03.10.2024

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

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To

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Theni Taluk,
Theni District.
- 2.The Town Surveyor,
Allinagaram Municipality,
Theni District.



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P.T.ASHA, J.

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