



W.P.(MD) No.12244 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.12244 of 2017

and

W.M.P.(MD) Nos.9426 of 2017 and 17798 of 2021

Rajathi

... Petitioner

/vs./

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Thiruparankundram Taluk,
Thiruparankundram,
Madurai District.

3.The Head Surveyor,
Thiruparankundram Taluk,
Thiruparankundram
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to



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the Impugned order of O.Mu.No.4822/2016/S, dated 26.08.2016 passed by the 2nd respondent and quash the same and consequently directing the 2nd respondent to surveying the petitioner land bearing survey No.288/3A, and 288/3B situated at Madakulam Village, Thiruparankundram Taluk, Madurai District.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

Challenging the rejection of the petitioner's request for surveying the land on the ground that she has not produced the patta, the petitioner is before this Court.

2. The petitioner claims right to the lands comprised in S.Nos.288/3A and 288/3B on the basis of two registered sale deeds dated 04.09.1990 and 26.06.2000. The petitioner in the affidavit filed in support of this writ petition would submit that despite production of documents of title, the impugned order has come to be passed and therefore, the same has to be set aside and the second respondent be directed to survey the lands in question.



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3. Mr.D.S.Nedunchezian, learned Government Advocate, appearing for the respondents would submit that the petitioner has not produced proof of possession either by herself or her predecessor in title by producing patta. In fact, there is no reference to the patta number that has been allocated in respect of the land at least in the name of her predecessor in title and therefore, he would submit that there is nothing to show that the petitioner is in possession of the property entailing the survey and demarcation of the same. Further, even to survey and demarcate the lands, the revenue records are also required.

4. Heard the learned counsel on either side.

5. As rightly stated by the learned Government Advocate, either the patta or the other revenue records would be necessary to identify the extent of the land, in which the petitioner is in occupation. Therefore, as and when the petitioner produces those records, the second respondent shall proceed with the survey.



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6. Therefore, the Writ Petition stands disposed of stating that as and when the petitioner produces the patta/revenue records in respect of the lands in question and submits an application before the second respondent, the second respondent shall survey and demarcate the land after conducting an enquiry with the adjacent land owners and pass appropriate orders, within a period of 6 weeks from the date of receipt of such application. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

03.09.2024

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To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Thiruparankundram Taluk,
Thiruparankundram,
Madurai District.

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3.The Head Surveyor,
Thiruparankundram Taluk,
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Madurai.



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P.T.ASHA, J.

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