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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-06-2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.20404 OF 2025

Jothikantha Ruby

... Petitioner

Vs

1.The District Collector,
Collectorate Campus,
Dheeran Chinnamalai Maaligai,
Perundurai Road,
Erode District – 638 011.

2.The Tahsildar,
Modakkurichi Taluk,
Erode District – 638 104.

3.The Taluk Surveyor,
Land Survey Department,
Modakkurichi Taluk,
Erode District – 638 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent to issue suitable instructions to the 3rd respondent to conduct field inspection



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by carrying out proper boundary survey measurement of the petitioner's Plot No.226 in Survey No.173/137 and the adjacent Plot No.225 situated at Karattankadu Adi Dravidar Natham, Punjai Lakkapuram Village, Modakkurichi Taluk, Erode District after considering the representation of the petitioner dated 23.05.2025 in accordance with law and on merits expeditiously within a time frame.

For Petitioner(s) : M/s.S.Sugapriya

For Respondent(s) : Mr. A.Selvendran, Spl.G.P for R1 to R3

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed for issuance of Writ of Mandamus to direct the 2nd respondent to issue suitable instructions to the 3rd respondent to conduct field inspection by carrying out proper boundary survey measurement of the petitioner's Plot No.226 in Survey No.173/137 and the adjacent Plot No.225 situated at Karattankadu Adi Dravidar Natham, Punjai Lakkapuram Village, Modakkurichi Taluk, Erode District after considering



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the representation of the petitioner dated 23.05.2025 in accordance with law and on merits expeditiously within a time frame.

3. Learned counsel for the petitioner submitted that based on petitioner's application seeking to allot a residential house under Aadi Dravidar Online Patta Issuance Scheme and the proceedings of the 1st respondent in Na.Ka.No437-67/2022/Tha2, dated 10.12.2024, the 2nd respondent, issued list of beneficiaries under the aforementioned scheme. Petitioner's name was included in Sl.No.14. Pursuant thereto, she was issued with Online E-patta No.2199 in respect of vacant housing plot No.226 measuring an extent of 00.60 sq.meters in S.No.173/137, Karattankadu Adi Dravidar Natham, Punai Lakkapuram Village, Modakkurichi Taluk, Erode District. Later, she found that the petitioner's adjacent land owner Chandradevi who was allotted with Plot No.225 has constructed a bathroom and compound wall encroaching a considerable portion of her plot. The respondents without conducting proper field inspection and verifying the records, issued patta to the petitioner without considering the fact that the plot allotted to her was already in unlawful possession of some third



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persons. Having regard to the same, she submitted a representation dated 23.05.2025 to the 2nd and 3rd respondents to take action against the encroacher Chandradevi and to cancel patta No.225 issued to her. However, the representation of the petitioner has been kept pending till date without any appropriate action. Hence, the petitioner has filed the present writ petition for the above said relief.

4. The learned Special Govt. Pleader for the Respondents would submit that they would conduct field inspection, carry out proper boundary survey measurement of the petitioner's plot after putting the petitioner and her adjacent land owner namely Chandradevi and any other interested parties on notice and pass orders on the representation of the petitioner within a time frame to be fixed by this Court, which was agreed to by the learned counsel for the petitioner.

5. In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the Respondents 1 to 3 to conduct field



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inspection and carry out proper boundary survey measurement of the petitioner's plot No.226 and adjacent Plot No.225 and consider the petitioner's representation dated 23.05.2025, on its own merits and pass appropriate orders in accordance with law, after putting the petitioner, petitioner's adjacent land owner-Chandradevi and any other interested persons/rival claimants, if any, on notice and after affording a reasonable opportunity of hearing to them within a period of twelve (12) weeks from the date of receipt of uploading of webcopy without waiting for receipt of certified copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation, the concerned respondent shall consider the representation on its own merits and in accordance with law.

6. The writ petition stands disposed of with the above direction. No costs.

13.06.2025

Index:yes/no
Internet:yes/no
msr

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MOHAMMED SHAFFIQ, J.
msr

To

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