



W.P.No.23395 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.23395 of 2025

Devi @ Revathi

... Petitioner(s)

Vs.

1.The District Collector,
Collectorate,
Namakkal District.

2.The Revenue Divisional Officer,
Namakkal District.

3.The Tahsildar,
Mohanur Taluk,
Mohanur,
Namakkal District.

4.The Inspector of Survey,
Mohanur Taluk Office,
Mohanur,
Namakkal District.

...Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus, directing the 4th respondent to
survey, measure the property comprised in new S.F.No.251/12A



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Rasipalayam Village, Mohanur Taluk, Namakkal District based on the petitioner's application dated 17.03.2025 within a specific time frame that may be fixed by this Honourable High Court.

For Petitioner(s) : Mr.Shangar Murali (VC)

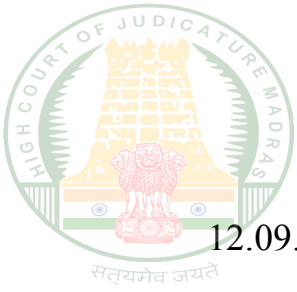
For Respondent(s) : Mr.R.P.Murugan Raja for R1 to R4
Government Advocate

ORDER

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

2.The present writ petition is filed praying for a writ of mandamus to direct the 4th respondent to survey and measure the property comprised in new S.F.No.251/12A, measuring an extent of 895 sq.ft., situated at Rasipalayam Village, Mohanur Taluk, Namakkal District based on the petitioner's application dated 17.03.2025 within a time frame to be fixed by this Court.

3.It is submitted by the learned counsel for the petitioner that Mrs.Kamatchiammal while she was in sound disposing state of mind, executed a registered Will bearing Document No.21/Book III/1988 dated



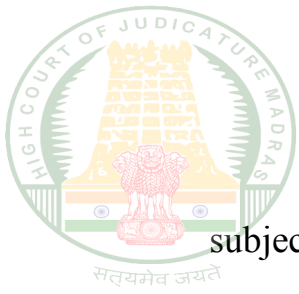
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12.09.1988 in favour of petitioner, measuring an extent of 895 sq.ft and thereafter, bequeathed the property detailed in the said Will in favour of petitioner's daughter viz., Kannammal @ Sumitha. In the above said Will, there is a categorical recital regarding the existence of 9 feet width and 99 feet length pathway and in order to obviate any claim that may be projected by any other third party, petitioner submitted an application on 10.03.2025 both in person and through registered post to the respondents 1 to 3 to issue suitable direction to the fourth respondent to survey and measure the subject property. But the same was not considered by the respondents.

4.It is further submitted that petitioner submitted an application dated 17.03.2025 to the third respondent seeking survey and measurement of the subject property and paid necessary fees for the same. However, the said application has not been considered by the third respondent till date. Aggrieved by the same, present writ petition has been filed.

5.Learned Government Advocate for the respondents would submit that the respondents would conduct survey and measure the



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subject property within a time frame to be fixed by this Court, which was

agreed to by the learned counsel for the petitioner.

6.In view of the limited relief that is prayed, this Court is inclined to dispose of the writ petition with following directions:

i)The fourth respondent shall consider the application dated 17.03.2025 in accordance with law, after issuing notice to petitioner, adjacent land owner and all other interested parties including rival claimants, if any.

ii)Though facts have been set out in the extent of affidavit, this Court does not propose to deal with it while leaving it open to the respondents to call for any document/conduct enquiry, if any, while considering the application for conducting survey of subject property. It is also open to the respondents to call for documents to satisfy itself of petitioner's entitlement for requesting survey of subject property.

iii)The entire process shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.



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01.07.2025

Index : Yes/ No
Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
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To

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Namakkal District.
2. The Revenue Divisional Officer,
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MOHAMMED SHAFFIQ, J.

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