



WEB COPY



W.P.No. 38546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 38546 of 2024

Shakila

...Petitioner

Vs

1. The District Collector,
The Nilgiris District.

2. Tahsildar,
Taluk Office,
Coonoor, The Nilgiris

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified mandamus, to call for the records relating to the proceedings O.Mu.S.No.1409 of 2024, dated 22.07.2024 on the file of the 2nd respondent, and quash the same and consequently directing the 2nd respondent herein to survey and subdivision the land measuring to an extent of 9 cents comprised in Survey No.844/2A in Ketti Village-2, Coonoor Taluk, The Nilgiris District after the receipt of necessary charges in this regard.



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W.P.No. 38546 of 2024

For Petitioner : Mr.K.Balasubramanian
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed for a certiorarified mandamus to call for the records relating to the proceedings O.Mu.S.No.1409/24, dated 22.07.2024 on the file of the 2nd respondent and quash the same and consequently direct the 2nd respondent to survey and subdivide the land measuring an extent of 9 cents comprised in Survey No.844/2A in Ketti Village-2, Coonoor Taluk, The Nilgiris District.

2.It is the case of the petitioner that she gave a representation dated 17.10.2022 to the 2nd respondent to measure her land by metes and bounds. Since no action was taken, she filed W.P.No.12132 of 2023 before this Court and this Court directed the 2nd respondent to conduct a survey in respect of the above land after giving notice to the parties within 4 weeks, by order dated 21.04.2023. Pursuant to the



order of this Court, she applied for the subdivision of her property by paying the necessary charges. On 22.07.2024, the 2nd respondent sent a communication to her informing that a third party had put up a house on the above mentioned survey number. Aggrieved by the same, she is before this Court.

3. Heard the learned counsels on either side.

4. Pursuant to the orders of this Court in W.P.No.12132 of 2023 directing the survey of the subject land, the revenue officials had attempted to survey the property. However, during the survey, it was found that a third party had put up a construction on the said land and the petitioner was not in possession of the same. Therefore, the survey has been abandoned. Since a third party is occupying the property, the petitioner has to first establish her title to the said property and thereafter, seek a survey, subdivision and grant of patta. The 2nd



W.P.No. 38546 of 2024

respondent cannot be compelled to survey the third party's land.

Therefore, the writ petition is dismissed. No costs.

02.01.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

1. The District Collector,
The Nilgiris District.

2. The Tahsildar,
Taluk Office,
Coonoor, The Nilgiris



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W.P.No. 38546 of 2024

P.T.ASHA, J.,

srn

W.P.No. 38546 of 2024

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