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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.27320 of 2024
and
W.M.P(MD)No.23141 of 2024

Alagammal ... Petitioner

vs.

1.The Tahsildar,
Madurai East Taluk Office,
Madurai East,
Madurai District.

2.The Head Surveyor,
Madurai East Taluk Office,
Madurai East Taluk,
Madurai District. ... 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 of the first respondent's impugned rejection in 2024/0105/24/635245, dated 31.08.2024 and quash the same as devoid of merits, consequentially direct the first respondent to direct the second respondent to survey the property in S.No.30/16 an extent of 11.5 ares in Kathakinaru Village, Madurai East Taluk, Madurai District as per the final decree passed by the Principal Sub Court, Madurai in I.A.No.159 of 2009 in

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O.S.No.512/2007 dated 21.09.2011 without insisting death certificate and legal heir certificate of the petitioner's father Pandi and grant patta in his name by considering his online application for sub division patta transfer dated 15.07.2024.

For Petitioner : M/s.S.K.Pavithra
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner challenges the impugned order of rejection of the petitioner's application for survey by order dated 31.08.2024.

2.Heard the learned counsel on either side.

3.The learned counsel for the petitioner would invite my attention to the impugned rejection order and would contend that it is a non-speaking order passed in patent violation of the principles of natural justice.

4.The learned Additional Government Pleader would submit that the order of rejection which has been uploaded in the website is only the intimation sent to

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the petitioner and if the petitioner seeks for the speaking order, the same would be furnished.

5.I am unable to countenance the said submissions of the learned Additional Government Pleader. When the petitioner has made an application for survey based on certain documents, a final decree is passed in a civil suit, in the instant case, the petitioner is entitled to know as to why her application for survey has been rejected. The impugned order does not even cite a solitary reason for rejection of the petitioner's application. If at all the respondents have good grounds to reject the application for survey, they should call the petitioner for enquiry and after hearing the petitioner, by giving an opportunity to the petitioner, further orders can be passed. On the contrary, the impugned order passed without any reasons and without an opportunity to the petitioner is clearly unsustainable.

6.The writ petition is, therefore, allowed and the impugned order dated 31.08.2024, is set aside. The matter is remitted to the first respondent for fresh consideration on the petitioner's application, on merits and in accordance with law, after affording an opportunity to the petitioner to produce all relevant

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documents. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

sji

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

To

1.The Tahsildar,
Madurai East Taluk Office,
Madurai East,
Madurai District.

2.The Head Surveyor,
Madurai East Taluk Office,
Madurai East Taluk,
Madurai District.

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P.B.BALAJI, J.

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