



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.09.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.17226 of 2015

Samikannu

...Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Assistant Director,
Land Survey Department,
Pudukkottai,
Pudukkottai District.

3.The Thasildhar,
Ponnamaravathy Taluk,
Pudukkottai District.

4.The Block Development Officer,
(Village Panchayats),
Ponnamaravathy Panchayat Union,
Pudukkottai District.

5.Periya Ponnai,
Village Panchayat President,
R.Palakuruchi Village,
Ponnamaravathy Taluk,
Pudukkottai District.

...Respondents

Prayer : This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to direct the second respondent to survey the petitioner's lands in Survey No.301/1A of R.Palakuruchi Village, Ponnamaravathy Taluk and fix the boundary marks and lay the survey stones based on the petitioner's representation, dated 25.08.2015 according to law.

For petitioner

For R-1 to R-3

For R-4 & R-5

: Mr.R.Ramasubramanian

: Mr.M.Murugan,
Government Advocate

: Mr.S.Chandrasekar
Government Advocate



ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to direct the second respondent to survey the petitioner's lands in Survey No.301/1A of R.Palakuruchi Village, Ponnamaravathy Taluk and fix the boundary marks and to lay the survey stones based on the petitioner's representation, dated 25.08.2015, in accordance with law.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.S.Chandrasekar, learned Government Advocate takes notice for the respondents 4 & 5.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the petitioner owned 0.70.5 hectares of nanja lands in Survey No.301/1A situated at R.Palakuruchi Village, Ponnamaravathy Taluk, Pudukkottai District. Earlier, the above said land was in possession of the petitioner's family. After the death of the petitioner's father, the petitioner and his elder brother Ayyavu were enjoying the same. Subsequently, in the year of 2005, patta was transferred in favour of the petitioner in patta No.1438 and the petitioner is also enjoying the said land without any hindrance. While the matter stood thus, One Periya Ponnai, who is the fifth respondent herein, started to give trouble to the petitioner due to election motive and he instigated the officials to dismantle the fence put up by the petitioner around his property. Hence, the petitioner has made a representation to the revenue authorities on 20.07.2015 to survey the land and to fix the boundary stones. Since there was no action on the part of the respondents, the petitioner has made a detailed representation on 25.08.2015. Even thereafter, no steps were taken by the respondents to survey the land of the petitioner. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. The learned Government Advocate appearing for the fifth respondent vehemently opposed to give a direction to consider the representation of the petitioner.

6. However, I am of the opinion that a direction could be given to the third respondent to consider the representation of the petitioner by giving opportunity of hearing to the fifth respondent.

7. Accordingly, without going into the merits of the averments made in the Writ Petition, this Court directs the third respondent to consider the representation of the petitioner, dated 25.08.2015, and pass appropriate order with regard to measuring the land which belongs to the petitioner, after giving an opportunity of hearing to the fifth respondent and all other necessary parties, within a period of six weeks from the date of



receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the third respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of.
No Costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

pm

To

- 1.The District Collector, Pudukkottai District,
Pudukkottai.
- 2.The Assistant Director, Land Survey Department,
Pudukkottai, Pudukkottai District.
- 3.The Thasildhar, Ponnamaravathy Taluk,
Pudukkottai District.
- 4.The Block Development Officer,
(Village Panchayats), Ponnamaravathy Panchayat Union,
Pudukkottai District.
- 5.Village Panchayat President,R.Palakuruchi Villaggle,
Ponnamaravathy Taluk,Pudukkottai District.

+1CC to Spl.Government Pleader Sr.No.56150

+1CC to Mr.R.Ramasubramanian Advocate Sr.No.56212

GJM/SKS/RR/12.10.15-3P-8C

W.P (MD) .No.17226 of 2015
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