



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD)No.19441 of 2015

R.Palaniselvi,
President,
S.Maraikulam Village Panchayat,
Kariyapatti Taluk,
Virudhunagar District.

..Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

3.The Tahsildhar,
Kariyapatti Taluk,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the respondents herein to consider the representation of the petitioner, dated 09.10.2015 and to survey the Vandipathai(Bullock Cart Way) to its full length from the beginning to end in S.Maraikulam Village, Kariyapatti Taluk, Virudhunagar District in a non-agricultural season.

For Petitioner : Mr.A.K.Manickam

For Respondents : Mr.S.Kumar

Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents herein to consider the representation of the petitioner, dated 09.10.2015 and to survey the Vandipathai (Bullock Cart Way) to its full length from the beginning to end in S.Maraikulam Village, Kariyapatti Taluk, Virudhunagar District in a non-agricultural season.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

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

4. In the affidavit it has been averred that the petitioner is the President of S.Maraikulam Village Panchayat. There is a bullock cart way(Vandipathai) for about 2 kms in the village starting from Periya Alangulam Village to Suranur Village. The



said Vandipathai comprised of nearly fifty survey numbers including Survey Nos.2/4, 3/2, 4/6, 5/7, 6/6, 12/4, 13/10, 13/11, 18/7, 19/5, 20/4, 21/2, 23/2 etc. The village menial approached the petitioner for surveying the Vandipathai in S.No.12/4 for enabling her family to have access to their agricultural land in S.No.10/2B. Hence, the petitioner has applied for surveying the above said land and he has also paid necessary charges for the same. In the meantime, the villagers expressed their objections for surveying the particular land and they requested for surveying the Vandipathai to its full length in a non-agricultural season to avoid damage of crops. But, on 07.10.2015, the Village Administrative Officer and the menial came with the surveyor to the spot without giving notice to the land owners, who are having land in the said Vandipathai. Since law and order problem arose, no survey was conducted on that day. Thereafter, the petitioner has made a representation to the respondents on 09.10.2015 to survey the land in a non-agricultural season. The same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submission made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the petitioner to pay necessary fee for surveying the Vandipathi, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the representation of the petitioner, dated 09.10.2015 and pass appropriate orders with regard to survey of the Vandipathai(Bullock Cart Way) to its full length from the beginning to end in S.Maraikulam Village, Kariyapatti Taluk, Virudhunagar District in a non-agricultural season, on merits and in accordance with law, by affording an opportunity of hearing to the petitioner and all other necessary parties, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Revenue Officer, Virudhunagar District.
- 2.The Revenue Divisional Officer,Aruppukottai, Virudhunagar District.
- 3.The Tahsildhar, Kariyapatti Taluk, Virudhunagar District.

+1cc to Mr.A.K.Manickam, Advocate Sr.No.62943

akm/29.10.2015 /2p-5c/