



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 04.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.4309 OF 2015

S.Jesuraj Maria Susai

..Petitioner

.-Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Athoor Taluk,
Athoor, Dindigul District.

3.Kasbar

4.Sadaiyandi

5.Muthan

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to Survey the petitioner's lands situated in Survey Nos.585/1, 585/2 and 576/4 situated at Kilakottai Village, Athoor Taluk, Dindigul and demarcate the same by laying survey stone after giving opportunity to the respondents Nos.3 to 5 by considering the petitioner's application dated 05.08.2014 within the time stipulated by this Court.

For Petitioner :Mr.J.Lawrance

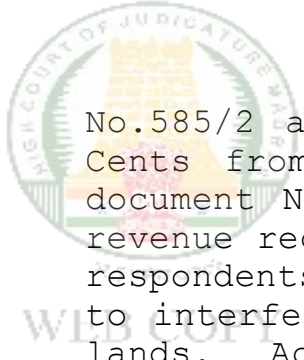
For Respondents :Mr.Aayiram K Selvakumar
Govt.Advocate for R1 & R2.

:Mr.H. Lakshmishankar for R3 to R5

ORDER

The prayer in the Writ Petition is for issuing a Writ of Mandamus to direct the the second respondent to Survey the petitioner's lands situated in Survey Nos.585/1, 585/2 and 576/4 situated at Kilakottai Village, Athoor Taluk, Dindigul and demarcate the same by laying survey stone after giving opportunity to the respondents Nos.3 to 5 by considering the petitioner's application dated 05.08.2014.

2. The learned counsel appearing for the petitioner submits that he purchased agricultural lands an extent of 1 Acre 28 Cents in Survey No.585/1, an extent of 1 Acre 32 Cents in Survey



No.585/2 and an extent of 1 Acre 45 Cents totalling 4 Acres 05 Cents from one Pappu @ Pappammal by a registered Sale Deed by document No.2579 of 2013. Though the petitioner states that the revenue records has also muted and that he was given a patta. The respondents 3 to 5 are attempting to grab his lands and are trying to interference with the peaceful possession and enjoyment of the lands. According to the petitioner, with a view to protect his lands free from any encroachments and avoid disputes he submitted an application on 05.08.2014, seeking to survey the above lands and de-marcate the same by laying survey stones etc. Though the petitioner paid the prescribed fee for Survey, there was no response from the second respondent and hence the petitioner constrained to file the above writ petition.

3. Heard the learned Counsel appearing for the petitioner and the learned Government appearing for the respondents 1 and 2 and the learned Counsel appearing for the respondents 3 to 5.

4. Having regard to the facts narrated by the petitioner in the affidavit filed in support of the writ petition without going into merits of the petitioner's claim with regard to the title and interest, it will be appropriate to direct the second respondent to pass suitable orders on the representation of the petitioner dated 09.03.2015, on merits and in accordance with law, after giving sufficient opportunity to the respondents 3 to 5 if necessary after conducting survey in the presence of all the parties interested within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Athoor Taluk,
Athoor, Dindigul District.

+1cc to M/S.H.LAKSHMI SHANKAR,ADVOCATE, SR NO:41987

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO:42214

AA-KBM-17.08.2016/2P:5C