



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **N.AUTHINATHAN**

W.P(MD)No.8548 of 2017
and
W.M.P(MD)No.6504 of 2017

Murugan .. Petitioner

Vs.

1.The Block Development Officer,
Village Panchayat, Thiruparangundram,
Madurai.

2.The Firka Surveyor,
West Taluk Office,
Madurai.

3.Vignesh & Co., rep. by its
Sub Contractor T.M.C.Raja,
Thiruvalluvar Nagar,
Thanakan Kulam, Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to first survey and demarcate the patta land of the petitioner in Survey No.122/14 of Keelakuyilkudi Village from the Kanmai Poramboke Karai, on its west and south and then proceed with laying of road in the Kanmai Poramboke Karai without disturbing the petitioner's patta land in Survey No.122/14.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondent No.1 : Mr.M.Govindan,
Special Government Pleader.

For Respondent No.2 : Mr.K.Guru,
Additional Government Pleader.

**ORDER**

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to conduct proper survey in respect of Survey No.122/14, Keelakuyilkudi Village, Madurai West Taluk and also Kanmai Poramboke land, by way of issuing a writ of mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the first respondent and Mr.K.Guru, learned Additional Government Pleader, has taken notice for the second respondent. Considering the nature of the relief sought in the writ petition, notice need not be sent to the third respondent.

3.The learned counsel appearing for the petitioner has contended to the effect that Survey No.122/14 has been classified as Natham and in recognition of enjoyment of the petitioner a patta has been granted and near Survey No.122/14, Kanmai Poramboke land is situate, wherein an attempt has been made to lay road by the third respondent and third respondent has also attempted to lay road in Survey No.122/14 without conducting proper survey and therefore the present writ petition has been filed for getting the relief sought therein.

4.It is seen from the records that Survey No.122/14 has been classified as Natham and a patta has been granted in favour of the petitioner.

5.The contention putforth on the side of the petitioner is that the third respondent has attempted to lay road in a portion of land comprised in Survey No.122/14 even without conducting proper survey.

6.Considering the grievance expressed on the side of the petitioner and also considering the fact that a patta has been granted in favour of the petitioner in respect of Survey No.122/14, this Court is inclined to pass the following order.

7.In fine, this writ petition is allowed without costs and the first respondent is directed to conduct proper survey in respect of Survey No.122/14 and adjoining Kanmai Poramboke within a period of fifteen days and after conducting survey, lay road only in Kanmai Poramboke. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)



To

1.The Block Development Officer,
Village Panchayat, Thiruparangundram,
Madurai.

2.The Firka Surveyor,
West Taluk Office,
Madurai.

+1 cc to Special Government Pleader in SR.No:55388
+1cc to Mr.H.Lakshmi Shankar, Advocate in SR.No:54903

smn
AE/MR/SAR4/05.05.2017/3P/5C

ORDER MADE IN
W.P (MD) No.8548 of 2017
and
W.M.P (MD) No.6504 of 2017
28.04.2017