



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM:

**THE HONOURABLE MR. JUSTICE R. SURESH KUMAR**

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W.P. (MD) No. 4552 of 2018

and

WMP (MD) No. 4650 of 2018

M. Lakshmi

... Petitioner

Vs.

1. The District Collector,  
Ramanathapuram District,  
At Ramanathapuram

2. The Tahsildar,  
Thiruvadanai Taluk  
Ramanathapuram District.

3. The Taluk Surveyor  
Thiruvadanai Taluk  
Ramanathapuram District.

4. The Village Administrative Officer,  
Kanattankadu Village,  
Thiruvadanai Taluk  
Ramanathapuram District.

... Respondents

**PRAYER :** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to survey the petitioner's patta land comprised in S.No.334/6, Kanattankadu Village, Thiruvadanai Taluk, Ramanathapuram District admeasuring 17 cents and fix the boundaries thereon based on the petitioner's application dated 05.09.2017.

For Petitioner : Mr. C.K.M. Appaji  
For Respondents : Mr. M. Rajarajan  
Government Advocate

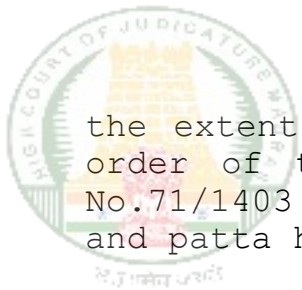
**ORDER**

The prayer sought for in this writ petition is for a Writ of Mandamus to direct the respondents to survey the petitioner's patta land comprised in S.No.334/6, Kanattankadu Village, Thiruvadanai Taluk, Ramanathapuram District admeasuring 17 cents and fix the boundaries thereon based on her application dated 05.09.2017.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The petitioner is having land at S.No.334/6 at Kanattankadu Village, Thiruvadanai Taluk, Ramanathapuram District to



the extent of 17 cents. The property was allocated to her by the order of the Special Tahsildar, Thiruvadanai by assignment order No.71/1403 and the petitioner was put in possession of the property and patta has also been issued in the name of the petitioner.

4. While so, since there has been some alleged encroachment from one of the neighbour of the petitioner, with the result, there seems to be some dispute over the boundary of the land, the petitioner, in order to measure the land and identify the boundaries, seems to have given a request to the respondents in the year 2015, ie., on 27.08.2015. Since the same had not been acted upon by the respondents, the petitioner approached this Court and filed W.P.(MD) No.22211/2015, where a learned Judge of this Court, by order dated 11.12.2015, has given the following directions:

"4.It is seen that the petitioner has already made a representation on 27.08.2015 seeking for such relief. The grievance of the petitioner is that the respondents have not taken steps so far.

5.Considering the above stated facts and circumstances, without expressing any view on the claim made by the petitioner, I only direct the first respondent to consider the representation of the petitioner, dated 27.08.2015 and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed."

5. Though the said order was passed by this Court, in the year 2015, thereafter, nothing was forthcoming. It seems that, no steps have been taken by the respondents to comply with the orders of this Court. Having waited for more than a year, by thus losing the limitation period for approaching this Court by filing an appropriate contempt proceedings against the respondents for the alleged disobedience of the order passed by this Court dated 11.12.2015, the petitioner, has once again chosen to approach this Court by filing the present writ petition. Before which, on 05.09.2017, the petitioner has given one more application/representation to the first respondent to survey the land and identify the boundaries. Though the same had been received by the respondents office, they have not acted upon on the second application/representation of the petitioner. Therefore, in order to seek a further direction by way of mandamus, once again against the very same respondents, requiring the very same survey and to identify the boundaries of the land allotted to the petitioner, the petitioner has moved this Court with the present prayer.

6. I have heard the learned Government Advocate, who would submit that, the said request of the petitioner dated 05.09.2017 submitted to the first respondent, to measure the land and identify the boundaries would be considered and needful would be done within a time to be stipulated by this Court.



7. While appreciating the present stand taken by the learned Government Advocate appearing for the respondents, this Court wants to make some observation. When a land has been allotted by way of assignment under landless poor category to the petitioner and in this regard, patta also has been given and the petitioner has been put in possession and when the petitioner faces some encroachment or trouble from the neighbours, naturally, the petitioner had to approach only the revenue department to measure the land and identify the boundaries, so that he will be knowing what is the four boundaries of the land allotted to him. For the said purpose, though proper representation/application was made to the revenue authorities, ie., the respondent herein in the year 2015, that was not acted upon.

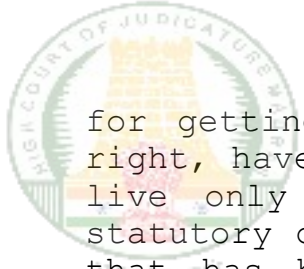
8. Thereafter, the petitioner approached this Court and sought mandamus, which was also issued by this Court on 11.12.2015 directing the respondents to act upon on the representation/application submitted by the petitioner to measure her land.

9. Despite the said order, having been passed in December 2015, for years together, the respondents have not acted upon and the order of this Court has not been complied with, which shows that, a very scant respect has been given by the respondents to the orders passed by this Court, which is very unfortunate.

10. Subsequently also, once again, the petitioner had given a representation/petition on 05.09.2017 with challan for paying the necessary fee for measuring the land and this time also, as usual, the respondents have not acted upon. Therefore, having no other option, the petitioner filed one more writ petition of mandamus ie., the present writ petition with the aforesaid prayer.

11. The aforesaid facts would clearly demonstrate that, how the Taluk level revenue officials are acting upon the request of the public. In the case in hand, even though an order has been passed by this Court issuing mandamus, the same has not been considered by the respondents. For the non-compliance of the orders passed by this Court, normally, the petitioner could have filed a contempt petition, which chance she missed, as for one year period, after having waited, she lost the chance by way of limitation and therefore, the petitioner had once again made application in the year 2017. Since that also had not been considered, she filed the present writ petition in the year 2018 and the same has been kept pending before this Court for one year and when it is taken up for final hearing, the very same position continues and today, the learned Government Advocate would submit that, the present application dated 05.09.2017 would be considered by the respondents on merits.

12. The aforesaid attitude on the part of the revenue officials, who are the respondents herein, shows that, the public,



for getting solved of routine and trivial issues on their lawful right, have to depend the revenue officials and infact, they have to live only at the mercy of these kind of officials. When a statutory duty cast upon the officials of the State Government and that has been triggered by specific petition and application or representation by the public, the same should have been or, ought to have been considered and decided then and there, within a shortest possible time on merits.

13. Sometimes, if for any reasonable cause, the same has not been considered and for the said purpose, if the litigant public approached this Court and after having considered the same, if this Court issued directions by way of prerogative Writs, the same shall be scrupulously followed by such officials, who are the parties to the proceedings. Since the High Court is the Court of Record, the power to punish the contemnors, since has been vested with the High Court, very often, contempt petitions have been filed before this Court for the non compliance of even very simple orders, like, considering the representation and to pass orders on merits.

14. Now a days, this trend of not complying the very innocuous orders passed by this Court is growing. This trend developed by the inaction on the part of the officials concerned of the department, who are the parties before the proceedings, cannot be appreciable and infact, it has to be deprecated.

15. This is one of such case, which can be illustratively taken to demonstrate as to how recklessly and how carelessly the officials are dealing with the orders passed by this Court by way of prerogative Writs, by exercising the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Even there is no guarantee that, the present order, ie., this order, would be complied with by the respondents within the time to be stipulated by this Court and if the same is not complied with, the only remedy open to the litigant public is to seek for indulgence of this Court by invoking the contempt jurisdiction and this trend of driving the litigant public, who obtained orders from this Court, once again to approach this Court to file contempt petition also has been growing and this Court wants to express its anguish against this kind of attitude on the part of the officials, who have not taken care to comply with the orders passed by this Court.

16. While making these observations, this Court, by taking into account and having regard to the facts of the case as well as the submission made by both sides, is inclined to dispose of this writ petition with the following directions:

(1) That the respondents are hereby directed to consider the representation/petition filed by the petitioner on 05.09.2017 and do the needful by measuring the land and identify the boundaries and issue final order to that effect;

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(2) In this regard, before making the measurement or survey, notice to be given to the petitioner as well as the adjacent land



owners/neighbours of the petitioner, so as to avoid any conflict in future and at any rate, final order for completing the task of measurement of the land shall be passed by the respondents, especially, the first respondent, within a period of four weeks from the date of receipt of a copy of this order, and

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(3) It is made clear that, within the said time of four weeks, if the orders of this Court is not complied with, this Court will take *suo motu* contempt against the erring officials.

17. The Registry of this Court is directed to send the copy of this order to the Commissioner for Revenue Administration for information and necessary action.

18. Post this Writ Petition '**for reporting compliance**' on **13.08.2019**.

No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector, Ramanathapuram District, At Ramanathapuram
- 2.The Tahsildar, Thiruvadanai Taluk, Ramanathapuram District.
- 3.The Taluk Surveyor, Thiruvadanai Taluk, Ramanathapuram District.
- 4.The Village Administrative Officer,  
Kanattankadu Village, Thiruvadanai Taluk  
Ramanathapuram District.

**Copy to:-**

- 1.The Commissioner and Revenue Administration, Chepauk, Chennai-5
- 2.The Section Officer, Writ Section,  
Madurai Bench of Madras High Court, Madurai

**(To list the matter on 13/8/2019 For Reporting Compliance)**

+One cc to Mr.C.K.M.Appaji, Advocate, SR.No.74249

+One cc to The Special Government Pleader, SR.No.74497

W.P.(MD)No.4552 of 2018  
and W.M.P.(MD) No.4650 of 2018  
09.07.2019