



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20444 of 2019

WEB COPY

1.N.Nachimuthu Goundar

2.N.Rajamani

... Petitioners

vs.

1.The District Collector,
Collectorate, Dindigul.

2.The Tahsildar,
Taluk Office,
Oddanchatram,
Dindigul District.

3.The Taluk Surveyor,
Taluk Office,
Oddanchatram,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to survey the petitioners' land in bearing Survey No.1426/2A and 1426/2B situate at Kallimandhayam Village, Dindigul District by considering the petitioners' representation dated 29.05.2018 within the stipulated time as fixed by this Court.

For Petitioners : Mr.G.Rajaraman

For Respondents : Ayiram K.Selvakumar

Additional Government Pleader

ORDER

Mr.G.Rajaraman, learned counsel on record for writ petitioners and Mr.Ayiram K.Selvakumar, learned Additional Government Pleader (AGP) who accepts notice on behalf of all three respondents are before this Court.

2.With consent of learned counsel on both sides,main writ petition is taken up, heard out and is being disposed of.

3. Subject matter of instant writ petition is land admeasuring 3.44 hectares or thereabouts comprised in survey number S.F.No.1426/2A in Aranmanai Valasu Village, Kallimandhayam Post, Oddanchatram Taluk, Dindigul District (hereinafter 'said land' for brevity, clarity and convenience).

<https://hcservices.courts.gov.in/hcservices/> the case of the writ petitioners that vide an



application dated 29.05.2018, they had sought said land to be measured, surveyed and boundaries fixed. In other words, it is the case of the writ petitioners that they made a plea for localising said land and fixing boundaries. To be noted, this Court is informed that writ petitioners 1 and 2 are father and son respectively.

5. Be that as it may, learned Additional Government Pleader, on instructions from Firka Surveyor, who is present in Court to assist and instruct learned AGP submits that said land was measured, surveyed and boundaries fixed on 30.07.2019 pursuant to writ petitioners' request; neighbour signed the proceedings, but writ petitioners refused to sign the proceedings. To be noted there is no mention about measurement, survey or fixing of boundaries on 30.07.2019 in the affidavit filed in support of instant writ petition.

6. Faced with the above situation, learned Counsel for writ petitioners submits that if the third respondent passes an order pursuant to the proceedings on 30.07.2019, the writ petitioners if aggrieved, will carry the same in appeal to the Appellate Authority under Section 11 of the 'Town Survey and Countries Act, 1923' (hereinafter 'said Act' for brevity).

7. Learned AGP, on instructions from the Firka Surveyor, who is present Court, submits that the third respondent will now pass order *inter alia* under Section 10 of said Act and serve the same on the writ petitioners as expeditiously as possible and in any event within a period of three weeks from the date of receipt of a copy of this order.

8. On orders *inter alia* under Section 10 of said Act being served on the writ petitioners in the aforesaid manner, it is open to the writ petitioners to prefer an appeal under Section 11 of said Act, if they are aggrieved by the order. To be noted, the submission of learned Counsel for writ petitioners in this regard has been recorded and alluded to supra.

9. Recording the aforesaid submissions made on both sides, instant writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The District Collector,
Collectorate,
Dindigul.

2.The Tahsildar,
Taluk Office,
Oddanchatram,
Dindigul District.

3.The Taluk Surveyor,
Taluk Office,
Oddanchatram,
Dindigul District.

+1 CC to M/s.GP (SR-89030[F] dated 24/09/2019)

+1 CC to M/s.G.RAJARAMAN, Advocate (SR-88455[F] dated
23/09/2019)

**W.P (MD) No.20444 of 2019
23.09.2019**

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