



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.09.2019**

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

W.P.(MD).No.19824 of 2019

and

W.M.P.(MD).No.16327 of 2019

K.S.Buhari

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.

2.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

3.The Executive Officer,
Town Panchayat,
Mandapam,
Ramanathapuram District.

4.The Head Surveyor,
Ramanathapuram Taluk,
Ramanathapuram District.

5.K.Habib Rahman

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to consider the petitioner's representation dated 10.09.2019 to conduct a common survey pertaining to S.N.No.998/2, S.No.998/21 situated at Mandapam, Ramanathapuram Taluk, Ramanathapuram and consequently, direct the 3rd respondent not to take any coercive steps based on communication dated 05.09.2019 in Na.Ka.No.422/A1/2018.

For Petitioner
For R1, R2 and R4

: Mr.J.Vijayaraja
: Mr.S.Angappan
Government Advocate
: Mr.M.Jeyakumar

For R3

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ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.J.Vijayaraja, learned counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate appearing for the respondent Nos.1, 2 and 4 and Mr.M.Jeyakumar, learned counsel appearing for the third respondent.

2.By consent on either side, this writ petition is taken up for disposal.

3.The petitioner by way of this writ petition seeks for a direction to consider his representation and to conduct a common survey and consequently to direct the third respondent not to take any coercive action, pursuant to the notice dated 05.09.2019.

4.The learned Government Advocate, on instructions, submitted that the survey was conducted and it was ascertained that the petitioner has encroached upon the common passage and this proceedings have been initiated on the basis of the 5th respondent, who is the petitioner's neighbour.

5.The petitioner has now come forward with the case that the fifth respondent has encroached upon the patta land and pursuant to an oral misunderstanding between the petitioner and the fifth respondent, he was permitted to put up a Wall on the northern side and has constructed a toilet. Though the survey was conducted earlier, since the petitioner has now made a representation to direct the fourth respondent to resurvey the property in the presence of the petitioner and the fifth respondent subject to the petitioner paying the cost for resurvey proceedings, the said resurvey shall be conducted within a period of one week from the date for which, the petitioner remits the survey fees, which shall be done within three days from the date of receipt of a copy of this order. Till then, no coercive action shall be initiated against the petitioner.

6.With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

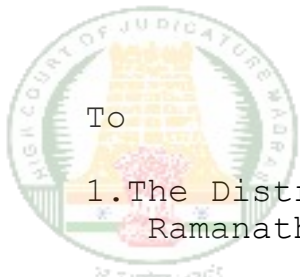
Sd/-
Assistant Registrar(Crl. Side)

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Sub Assistant Registrar

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To

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Mandapam,
Ramanathapuram District.

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Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-87582[F] dated 18/09/2019)

W.P. (MD) .No.19824 of 2019

and

W.M.P. (MD) .No.16327 of 2019

16.09.2019

JM/17.10.2019/3P/6C