



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.11.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P (MD) No. 24978 of 2019

and

W.M.P. (MD) No. 21556 of 2019

C.Maragatham

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

3.The Block Development Officer(Panchayats),
Singampunari Panchayat Union,
Sivagangai District.

4.The Heard Surveyor,
Singampunari Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to conduct survey of S.F.No.408/2 of Chadurvedamangalam Village, Singampunari Taluk, Sivagangai District and lay boundary stones for the same and consequently lay road in S.F.No.408/2 of Chadurvedamangalam Village, Singampunari Taluk, Sivagangai District alone.

For Petitioner : Mr.AN.Ramanathan

For Respondents : Mr.K.MU.Muthu
Additional Government Pleader

ORDER

Mr.AN.Ramanathan, learned Counsel on record for writ petitioner and Mr.K.MU.Muthu, learned Additional Government Pleader, who accepts notice on behalf of all 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 comprised in S.F.No.408/2 in Chadurvedamangalam Village, Singampunari Taluk, Sivagangai District' (hereinafter 'said land' for brevity).

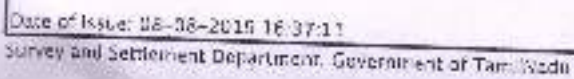
4. The prayer in the main writ petition is to direct the respondents to conduct survey of said land, lay boundary stones for said land and interestingly the prayer also says consequently lay road in the said land.

5. Be that as it may, a perusal of the affidavit filed in support of the writ petition (hereinafter 'writ affidavit' for brevity), in the light of submissions made by learned Counsel for writ petitioner reveals that said land was originally part of S.F.No.408. It was subsequently sub-divided into various sub-divisions and most importantly it is averred in paragraph No.2 of the writ affidavit that post sub-division said land was classified as road. Relevant paragraph is paragraph No.2 and the same reads as follows:

'2.I respectfully submit that S.F.No.408/3A, 408/3B & 408/3D of Chadurvedamangalam Village, Singampunari Taluk, Sivagangai District absolutely belongs to my husband ancestrally. Subsequent to his demise I am enjoying the property along with my children. All revenue records like Patta, Chitta, Adangal stands in my name. The above said land originally forms part of S.F.No.408. Subsequently the same was subdivided into S.F.No.408/1, 408/2, 408/3A, 408/3B & 408/3D. S.F.No.408/2 was classified as road and S.F.No.408/3A, 3B, 3D are my Patta lands. I am in possession and enjoyment of the above said Patta lands till today.'

(Underlining made by this Court to supply emphasis and highlight)

6. Adverting to a sketch of the Survey and Settlement Department, it was submitted that the said land is comprised in dotted line in the sketch, which is as follows:





7. There are three aspects of the matter which militate against the writ petitioner. The first aspect is, writ petitioner has not produced photocopy or certified copy of any title deed qua said land, though it is averred that it belongs to writ petitioner's spouse ancestrally (to be noted paragraph No.2 has been extracted and reproduced supra). Second aspect is even according to the averment of the writ petitioner, said land was classified as road and therefore, localise plea now is untenable. With regard to third aspect, learned State Counsel submits without any contradiction or disputation that the said land has in fact been surveyed and road has been laid in the same.

8. Owing to all the aforesaid reasons, this Court is left with the considered view that instant writ petition is bereft of merits. Instant Writ Petition fails and the same is dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

SSL

Encl: Xerox copy of Scanned Image
To

1.The District Collector,
Sivagangai District,Sivagangai.

2.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

3.The Block Development Officer(Panchayats),
Singampunari Panchayat Union,
Sivagangai District.

4.The Heard Surveyor,
Singampunari Taluk,Sivagangai District.

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-101229[F] dated 26/11/2019
+1 CC to M/s.SPL GP (SR-101516[F] dated 26/11/2019)

W.P(MD)No.24978 of 2019

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