



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.07.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.7541 of 2020

T.K.Kumar

...Petitioner

Vs

1.The District Collector,
Madurai, Madurai District.

2.The Tahsildar,
Madurai North Taluk,
Madurai District.

3.The Head Surveyor,
Tahsildar Office,
Madurai North,
Madurai District.

4.Chandana Krishnan

5.Saroja

6.Muthupandi

7.Senthilkumar

8.Muthukumar

9.Vijayakumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 2 and 3 to consider the petitioner's objection petition dated 26.06.2020 regarding with not to survey the disputed land in Sr.No.42/3A in total extent of 0.88.5 Ares situated in Pothakkudi Village, Madurai District.

For Petitioner : Mr.M.M.Manivelpandian

For R1 to R3 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

ORDER

This writ petition is filed to direct the respondents 2 and 3 to consider the petitioner's objection petition dated 26.06.2020.

3. Due
petitioner

4. Challenging the order passed by the Revenue Court (Madurai North), Madurai District, dated 16.08.2018, the petitioner had filed an appeal in Appeal No.16 of 2018 before the Appellate Revenue Court, Madurai and now the same is pending. At this stage, in respect of the disputed property, the respondents 4 and 5 were made encumbrance in favour of the respondents 6 to 9 and thereafter, the respondents 4 to 9 were approached the 3rd respondent to survey the disputed property and to fix the boundaries, for which, the petitioner had filed an objection petition dated 26.06.2020 before the respondents 2 and 3 for not to survey the disputed property, till the disposal of the aforesaid appeal filed by him. But, on such petition, no action has been taken by the respondents 2 and 3. Hence, left with no other alternative, the petitioner has filed the present writ petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the petitioner's objection petition dated 26.06.2020 would be considered under Section 10 of the Tamilnadu Survey and Boundaries Act, 1923, within a time frame to be fixed by this Court, since the petitioner is claiming a right to do agricultural operations for the aforesaid disputed property as a cultivating tenant.

6. In reply, taking advantage of the encumbrance made in favour of the respondents 6 to 9, they are attempting to interfere with the peaceful possession and enjoyment of the petitioner in respect of the disputed property, without following due process of law.

7.By taking note of the submissions made on either side and considering the facts and circumstances of this case, this Court is inclined to pass the following directions:-

i) Insofar as the contention that the respondents 6 to 9 are attempting to interfere with the peaceful possession and enjoyment of the petitioner in respect of the disputed property is concerned, the petitioner is directed to approach the appropriate authority to workout his remedy in the manner known to law, if he is so advised.



ii) Insofar as the contention that the petitioner's objection petition dated 26.06.2020 seeking not to survey the disputed property is still pending, is concerned, the respondents 2 and 3 are directed to consider the petitioner's objection petition dated 26.06.2020 and pass appropriate orders, by taking note of under Section 10 of the Tamilnadu Survey and Boundaries Act, 1923, as expeditiously as possible.

8.This Writ Petition is disposed of, with the above directions. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Madurai, Madurai District.

2.The Tahsildar,
Madurai North Taluk,
Madurai District.

3.The Head Surveyor,
Tahsildar Office,
Madurai North,
Madurai District.

W.P. (MD) No.7541 of 2020

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NR(21/07/2020) 3P 4C