



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.9042 of 2020

Melur Konnai Masthan Auliya Dharga
Pallivasal Nala Sangam,
Rep. By its Secretary,
M.Shajahan.

... Petitioner

Vs.

1. The Tahsildar,
Melur Taluk,
Melur,
Madurai District.
2. The Commissioner,
Melur Municipality,
Melur,
Madurai District.
3. The Town Surveyor,
Melur Municipality,
Melur,
Madurai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to survey and demarcate the properties belonged comprised in T.S.No.2 (an extent of 0.0034.0 sq.mt) in T.S.No.3 (an extent of 0.1585.0 sq.mt) and T.S.No.4 (an extent of 0.0354.0 sq.mt) Block-31, Ward-A of Melur Town, Melur Taluk, Madurai District which are belonged to Melur Konnai Masthan Aulia Dharga Pallivasal Nala Sangam on the basis of the petitioner's application dated 24-02-2020 after giving necessary opportunity to the parties concerned within the time frame as fixed by this Honourable Court.

For Petitioner : Ms.K.Vidya
for Mr.J.Lawrance

For Respondents : Mr.P.Kannidevan
Additional Government Pleader

**ORDER**

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 3 to survey and demarcate the properties comprised in T.S.No.2 (an extent of 0.0034.0 sq.mt) in T.S.No.3 (an extent of 0.1585.0 sq.mt) and T.S.No.4 (an extent of 0.0354.0 sq.mt) Block-31, Ward-A of Melur Town, Melur Taluk, Madurai District which are belonged to Melur Konnai Masthan Aulia Dharga Pallivasal Nala Sangam on the basis of the petitioner's application dated 24-02-2020 after giving necessary opportunity to the parties concerned.

2. According to the petitioner / Sangam, they submitted an application before the respondents to measure and demarcate the boundaries of the above mentioned properties. Since no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents produced a copy of the order passed by the first respondent in Na.Ka.No.S1/3450/2020, dated 21.08.2020 and submitted that with regard to old Survey No.229/2, on the Southern side, 7 cents of land has been purchased by Vellaichami Chettiar @ Mannarsamy Chettiar and Krishnan Chettiar. During the Town Survey measurement, it has been recorded as 3.45 cents instead of 7 cents. Therefore, the Tamil Nadu Congress Committee has submitted an application before the District Collector to rectify the said mistake and therefore, they are not in a position to measure the abovesaid property of the petitioner. Further, the learned Additional Government Pleader submitted that after rectifying the entry in the Town Survey records by the concerned authority, the petitioner's claim would be considered by the respondents.

4. At this juncture, the learned counsel appearing for the petitioner urges before this Court to direct the respondents to rectify the said mistake as expeditiously as possible.

5. In view of the submissions made by the learned counsel appearing on either side, this Court is inclined to pass the following order:

(i) The authority concerned shall rectify the mistake and complete the same at an earliest without any delay.

(ii) After rectifying the said mistake, the authority concerned shall communicate the same to the petitioner.

(iii) Thereafter, the petitioner is directed to submit a fresh application before the respondents for the measurement of the property.



6.With the above directions, this Writ Petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-I)

/ /2020

Sub Assistant Registrar(CS)

ps

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 Tahsildar,
Melur Taluk, Melur,
Madurai District.
2. The Commissioner,
Melur Municipality, Melur,
Madurai District.
3. The Town Surveyor,
Melur Municipality,
Melur,
Madurai District.

+1 CC to Mr.J.LAWRENCE, Advocate (SR-16540[F] dated 10/09/2020)

Order made in
W.P. (MD) No.9042 of 2020
Dated:
08.09.2020

CS(16.09.2020) 3P 5C