



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.11921 of 2020

Kaliammal

... Petitioner

Vs.

1.The Tahsildar,
Sankarankoil Taluk,
Tenkasi District.

2.The Taluk Surveyor,
Sankarankoil Taluk,
Tenkasi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to measure and survey the properties and to fix the four boundaries in respect of properties mentioned in Survey Nos.641/7, 642, 642/2 and 642/1, situated at Manalur Village, Sankarankovil Taluk, Tenkasi District on the basis of the petitioner's representation dated 22.07.2020 within the time frame as may be stipulated by this Court.

For Petitioner : Mr.M.Viji

For Respondents : Mr.M.Pandiya Rajan
Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents to measure and survey the properties and to fix the four boundaries in respect of properties mentioned in Survey Nos.641/7, 642, 642/2 and 642/1, situated at Manalur Village, Sankarankovil Taluk, Tenkasi District on the basis of the petitioner's representation dated 22.07.2020 within the time frame as may be stipulated by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as Mr.M.Pandiya Rajan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.



4. According to the petitioner, the property in Survey Nos.641/7, 642, 642/2 and 642/1 situated at Manalur Village, Sankarankovil Taluk, Tenkasi District, is originally the ancestral property and the same has been enjoyed and cultivated by the petitioner's father. After his demise, the property is being enjoyed by the petitioner, his brothers and sisters and the revenue records also mutated and joint patta has been issued in Patta No.1213 in favour of all the legal heirs of the petitioner's father including the petitioner. The four boundaries relating to the above said property have not been clearly measured. Hence, the petitioner sent a representation dated 22.07.2020 to the respondents. However, the same has not been considered so far. In such circumstances, the petitioner has approached this Court.

5. This Court without going into the merits of the case, directs the respondent, more particularly, the second respondent to survey the property of the petitioner, after affording opportunity to the petitioner as well as the interested parties and the persons who are likely to be affected. The said survey shall be photographed and videographed in the presence of the petitioner and the costs of Photograph and Videograph to be borne by the petitioner. Such an exercise shall be completed, within a period of three (3) months from the date of receipt of a copy of this order. At the time of conducting survey and in case of issuance of patta, the guidelines issued by this Court in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and W.P.(MD)Nos.7746 of 2020 etc., batch dated 23.09.2020, have to be scrupulously followed. In case any Civil Suit is already pending, there is no need for measuring the land in question, as it is for the Civil Court to decide the matter. After the order of this Court any suit is filed, the officials hands are not tied to carry out the directions mentioned in the aforesaid two orders, as there is a possibility of one or other party to move the Court later and to stall the proceedings before the revenue authorities. Only exception is if an interim order operates against the authorities.

6. If the persons like the present petitioner, who are seeking to survey the land do not disclose the other persons, who are interested, they must file an affidavit that there are no third parties involved in the issue concerned and also there are no interested parties. In case, at a later point of time if the fact came to light that there is any interested parties, the decision taken by the authority in favour of the petitioner will stand automatically cancelled. Further, the averments made in the affidavit shall be reflected in their order so that the officer will not face any problem at a later point of time. More over, for filing a false affidavit, if appropriate action is taken, the person concerned will have to face imprisonment rather than fine.



7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

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,
Sankarankoil Taluk,
Tenkasi District.

2.The Taluk Surveyor,
Sankarankoil Taluk,
Tenkasi District.

+1 CC to SGP (SR-24303[F] dated 07/12/2020)

W.P. (MD) No.11921 of 2020

03.12.2020

SSS (CO)

NR (21/12/2020) 3P : 4C