



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.09.2020
CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

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W.P(MD).No.12348 of 2020

Katturaja

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Director of
Survey and Land Records
/Personal Assistant (Survey),
To the Collectors of the District,
(Appellate Authority)
Collectorate Campus,
Madurai District, Madurai.

3.The Tahsildar,
Melur Taluk,
Madurai District.

4.The Taluk Surveyor,
Melur Taluk, Madurai District.

5.The Special Tahsildar,
(Natham Nilavari Thittam)
Melur, Melur Taluk,
Madurai District.

6.A.Saroja

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein by cancelling the survey carried out based on the notice issued by the 3rd respondent herein in Demarcation RTR FL No.558/2020, dated 20.08.2020 and order resurvey after removing the illegal survey stones as well as fence put up by the 6th respondent in the light of the Appeal Petition dated 06.09.2020, sent by the petitioner, within a stipulated time as fixed by this Court.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.C.M.Mari Chelliah Prabhu for R1 to R5
Additional Government Pleader



ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein by cancelling the survey carried out based on the notice issued by the 3rd respondent herein in Demarcation RTR FL No.558/2020, dated 20.08.2020 and order resurvey after removing the illegal survey stones as well as fence put up by the 6th respondent in the light of the Appeal Petition dated 06.09.2020, sent by the petitioner, within a stipulated time as fixed by this Court.

2.Heard Mr.A.Saravanan, learned counsel for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader, who takes notice for the respondents 1 to 5 and considering the facts and circumstances of the case. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel for the petitioner submitted that based on a wrong survey conducted by the 3rd and 4th respondents on 20.08.2020, the 6th respondent has put up the boundary stones in and around the public road, which is used to reach the petitioner's house and other adjacent land owners. Therefore, the petitioner filed an appeal petition before the second respondent on 06.09.2020, seeking cancellation of earlier survey conducted by the 3rd and 4th respondents on 20.08.2020 and to remove the boundary stones put by the 6th respondent and also resurvey of the land. The petitioner has also paid necessary fee for the same. He also submits that since taking advantage of the wrong survey, the 6th respondent is now trying to fence the above public road, there is an urgency for speedy disposal of the appeal. Therefore, this writ petition has been filed by the petitioner seeking a direction to the second respondent to dispose of the appeal at the earliest.

4.The learned Additional Government Pleader appearing for the respondents 1 to 5 submits that after providing opportunity to the concerned parties, the second respondent will consider the petitioner's appeal in accordance with law, within the time stipulated by this Court.

5.Considering the limited scope of the prayer sought for in the writ petition and considering the materials available on record and the facts of this case, without expressing any opinion on the merits of the case, this Court is inclined to dispose of the writ petition with the following direction.

(i)The second respondent is directed to consider the appeal petition filed by the petitioner dated 06.09.2020 and dispose of the same in accordance with law, after providing opportunity to the concerned parties.

(ii)The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order including the respondent.



6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

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 District,
Madurai.

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/Personal Assistant (Survey),
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Melur Taluk, Madurai District.

5. The Special Tahsildar,
(Natham Nilavari Thittam)
Melur, Melur Taluk,
Madurai District.

+3 CC to M/s.A. SARAVANAN, Advocate (SR-17783[F] dated 23/09/2020)

+1 CC to M/s.GP (SR-17985[F] dated 24/09/2020)

W.P(MD).No.12348 of 2020
23.09.2020

SRK(CO)

KB(05.10.2020) 3P 10C

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