



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.12341 of 2020

P.Pushpavalli

... Petitioner

-VS-

- 1.The District Collector,
Office of the District Collector,
Madurai.
- 2.The Tahsildar,
Thirumangalam Taluk Office,
Thirumangalam,
Madurai District.
- 3.The Head Surveyor,
Thirumangalam Taluk Office,
Thirumangalam,
Madurai District.
- 4.The Revenue Inspector,
Revenue Inspector's Office,
Chekkanoorani,
Madurai District.
- 5.The Village Administrative Officer,
Office of the Village Administrative Officer,
Chekkanoorani,
Madurai District.
- 6.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.
- 7.The Inspector of Police,
Chekkanoorani Police Station,
Chekkanoorani,
Madurai District.

8.Mani Thevar

<https://hcservices.courts.gov.in/hcservices/>

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 7 herein to survey, measure and fix the boundary stones in respect of petitioner's property comprised in Survey No.254A/4A2A measuring an extent of 31 cents situated in A.Kokkulam Village, Chekkanoorani, Thirumangalam Taluk, Madurai District, with necessary police protection by considering petitioner's representation dated 12.09.2020.

For Petitioner	: Mr.R.Rajeswaran
For Respondents 1 to 7	: Mr.P.Kannithevan Additional Government Pleader
For Respondents 8 and 9	: Mr.V.S.V.Venkateshvaran

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the respondents 1 to 7 herein to survey, measure and fix the boundary stones in respect of petitioner's property comprised in Survey No.254A/4A2A measuring an extent of 31 cents situated in A.Kokkulam Village, Chekkanoorani, Thirumangalam Taluk, Madurai District, with necessary police protection by considering petitioner's representation dated 12.09.2020.

2.Heard the learned Counsel appearing for the petitioner, Mr.P.Kannithevan, learned Additional Government Pleader, appearing for the respondents 1 to 7 and Mr.V.S.V.Venkateshvaran, learned Counsel appearing for the respondents 8 and 9.

3.The learned Counsel appearing for the petitioner would submit that the petitioner had purchased a property measuring to an extent of 31 cents in Survey No.254A/4A2A situated at A.Kokkulam Village, Chekkanoorani, Thirumangalam Taluk, Madurai District, from one Jeeva, w/o. Stalin through a registered document No.1143/2016 dated 11.07.2016 and he has been in possession and enjoyment of the said property. While so, the adjacent land owners namely the 8th and 9th respondents are trying to encroach the petitioner's property. Therefore, the petitioner approached the respondents 2 and 3 for surveying his land during January, 2020 by paying necessary fees. When the respondents 2 and 3 came to conduct survey on three times, the respondents 8 and 9 have made objections and prevented them from conducting survey. Therefore, on 17.03.2020, the petitioner approached the seventh respondent seeking police protection for conducting survey. In the meantime in response to the appeal preferred by the



petitioner, the second respondent communicated a letter stating that proper notice has also been given to the respondents 8 and 9, however, they are continuously objecting to survey the land. Therefore, the petitioner made a detailed representation on 12.09.2020 to the respondents 1 to 5 seeking to take immediate action for conducting survey. Since there was no response from the respondents 1 to 5, the petitioner has come forward with the present Writ Petition.

4.Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents 1 to 7 would submit that survey has already been conducted and if necessary charges are paid, the respondents will conduct survey.

5.The learned Counsel appearing for the petitioner would submit that the petitioner will pay necessary charges for conduct the survey afresh.

6.This Court without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 12.09.2020 and survey the property, after hearing the persons who are likely to be affected including the respondents 8 and 9 and in the light of the judgment made in W.P. (MD)No.13465 of 2020, dated 13.10.2020 and in case of issuance of patta, after survey, the directions issued by this Court in W.P (MD).No.7746 of 2020 batch, dated 23.09.2020 should 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.

7.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.



8.With the above directions, the writ petition, is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

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// True Copy //

/ /2020

Sub Assistant Registrar (CS)

SRM

To

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