



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.2123 of 2019

N.Lakshmanan

... Petitioner

-vs-

- 1.The District Collector,
Office of the District Collector,
Tirunelveli District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
- 3.The Tahsildar,
Office of the Tahsildar,
Shengottai Taluk,
Tirunelveli District.
- 4.The Firka Surveyor,
Shengottai,
Shengottai Taluk,
Tirunelveli District.
- 5.The Inspector of Police,
Shengottai Police Station,
Tirunelveli District.

6.A.Pulaya

7.Shanmugasundaram

8.Kulanthavel

... Respondents

(Respondents 6 to 8 were impleaded by order of this Court dated 14.12.2020 vide W.M.P.(MD)No.2982 of 2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents No.3 and 4 to survey the petitioner's land comprised in Survey No.213/1A situated at Periyapillaivalasai Village, Shengottai Taluk, Tirunelveli District, within the time stipulated by this Court, consequently directing the respondents 2 and 5 to provide adequate police protection while at the time of surveying the land.

For Petitioner

: Mr.S.Malaikani

For Respondents

: Mr.P.Kannithevan

1 to 5

Additional Government Pleader

R6 to R8

: Notice Dispense with vide order
dated 14/12/2020

**ORDER**

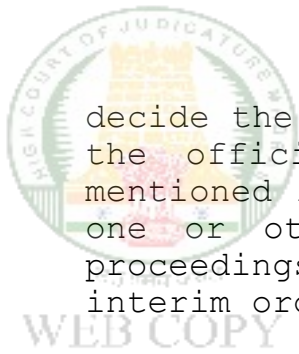
This writ petition is filed, seeking issuance of a Writ of Mandamus, directing the respondents 3 and 4 to survey the petitioner's land comprised in Survey No.213/1A situated at Periyapillaivalasai Village, Shengottai Taluk, Tirunelveli District, within the time stipulated by this Court and consequently directing the respondents 2 and 5 to provide adequate police protection at the time of surveying the land.

2. Heard the learned Counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader, appearing for the respondents 1 to 5. Since this Court is not going to pass any adverse orders against the respondents 6 to 8, notice to them is dispensed with.

3. It is represented by the learned counsel appearing for the petitioner that the property measuring to an extent of 55 cents comprised in Survey No.213/1A situated at Periyapillaivalasai Village, Shengottai Taluk, Tirunelveli District is the ancestral property of the petitioner which he got from his father by a settlement deed dated 30.11.2018. It is further represented that some third party has trespassed into the petitioner's land. Therefore, the petitioner wanted to survey his land and fix the boundaries for which he has also paid necessary fees on 21.01.2019. In the meantime, as the third party has planned to prevent the revenue officials from surveying the petitioner's land, the petitioner has lodged a complaint with the fifth respondent and also made a representation on 25.01.2019 seeking adequate police protection at the time of survey. Since no action has been taken by the respondents, the petitioner has come forward with the present Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents would submit that now Tirunelveli District has been bifurcated as Tirunelveli District and Tenkasi District and after bifurcation, the jurisdiction of the respondents 1 and 2 vest with the District Collector, Tenkasi District, Tenkasi and the Superintendent of Police, Tenkasi District, Tenkasi.

5. This Court without going into the merits of the case, directs the third respondent to consider the representation of the petitioner dated 25.01.2019 and survey the property, after hearing the persons who are likely to be affected including the respondents 6 to 8 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.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

- 1.The District Collector,
Office of the District Collector,
Tirunelveli District.
- 2.The Superintendent of Police,
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- 3.The Tahsildar,
Office of the Tahsildar,
Shengottai Taluk,
Tirunelveli District.
- 4.The Firka Surveyor,
Shengottai,
Shengottai Taluk,
Tirunelveli District.



5.The Inspector of Police,
Shengottai Police Station,
Tirunelveli District.

+1 cc to Mr.S.MALAIKANI ,Advocate, SR No.25598

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