



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.2937 of 2019

A.Eswaran

... Petitioner

-vs-

1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai - 625 020.

2.The District Revenue Officer,
Collectorate Buildings,
Madurai - 625 020.

3.The Assistant Director of Surveys,
District Survey Office,
Collectorate Buildings,
Madurai - 625 020.

4.The Tahsildar,
Vadipatti Taluk,
Madurai District.

5.Morikan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 23.08.2018 to restore the original FMB for S.No.386 of Kulasekarankottai Village, Vadipatti Taluk, Madurai District.

For Petitioner	: Mr.S.Mahesh Babu
For Respondents	: Mr.K.P.Krishnadoss
1 to 4	Special Government Pleader
For Respondent 5	: Mr.R.Sundar Srinivasan

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 23.08.2018 to restore the original FMB for S.No.386 of Kulasekarankottai Village, Vadipatti Taluk, Madurai District.

2.Heard the learned Counsel appearing for the petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for

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the respondents 1 to 4 and Mr.R.Sundar Srinivasan, learned Counsel appearing for the fifth respondent.

3.It is represented by the learned counsel appearing for the petitioner that the petitioner was allotted properties in S.Nos.386/8C1 and 386/8C2 in the family partition and he has been in possession and enjoyment of the same. While so, the fifth respondent, who is the petitioner's cousin, with the connivance of the Surveyor had made corrections in the FMB as if he gets more extent. Thereafter, the third and fourth respondents had altered the FMB with regard to S.No.386 by proceedings dated 28.03.2017 and 19.04.2017 without the knowledge of the petitioner. The grievance of the petitioner is that he was not given opportunity and there was no spot inspection and thereby his right of drain water has been taken away. Therefore, the petitioner made a representation on 23.08.2018 to the first respondent requesting to restore the original sketch. However, the third respondent had sent a letter dated 10.11.2018 to the first respondent stating that on the basis of the fifth respondent's representation, it was rectified which according to the petitioner is illegal and unlawful. Hence, the petitioner has come forward with the present Writ Petition.

4.Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents 1 to 4, by producing a copy of the proceedings of the third respondent dated 28.03.2017, submitted that a decision has already been taken by the third respondent and the petitioner is aware of the same. Therefore, the Writ Petition is not maintainable.

5.Considering the fact that a decision has already been taken by the third respondent in the subject matter vide his proceedings dated 28.03.2017 and the petitioner is also aware of the said decision, the relief of issuing Writ of Mandamus is not going to help any one much less the petitioner. However, liberty is given to the petitioner to question the action of the respondents in altering the FMB with regard to Survey No.386 of Kulasekarankottai Village, Vadipatti Taluk, Madurai District.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai - 625 020.

2.The District Revenue Officer,
Collectorate Buildings,
Madurai - 625 020.

3.The Assistant Director of Surveys,
District Survey Office,
Collectorate Buildings,
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4.The Tahsildar,
Vadipatti Taluk,
Madurai District.

+1 CC to Mr.R.SUNDER SRINIVASAN, Advocate (SR-25779[F] dated 16/12/2020)

+1 CC to Mr.S.MAHESH BABU, Advocate (SR-25888[F] dated 17/12/2020)

+1 CC to SPL GP (SR-26102[F] dated 17/12/2020)

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VB (30.12.2020) 3P 8C