



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

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W.P. (MD)No.13817 of 2020

K.Chinnadurai

... Petitioner

-vs-

1.The District Collector,
Dindigul District, Dindigul.

2.The Assistant Director of Survey and Land Records,
O/o. Assistant Director of Survey and Land Records,
District Collectorate,
Dindigul, Dindigul District.

3.The Inspector of Survey and Land Records,
Department of Survey and Land Department
District Collectorate, Dindigul District.

4.The Tahsildar,
Dindigul East Taluk
Dindigul, Dindigul District.

5.The Deputy Inspector of Survey and Land Records,
Dindigul East Taluk Office,
Dindigul

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 3rd respondent to conclude the petitioner's appeal dated 05.08.2020 preferred under Section 11 of the Tamil Nadu Survey and Boundaries Act and consequently to survey the petitioner's property in 528/9A, 528/9D, 528/9E, 528/9K, situating in Sakki Nayakkanpatti, Periyakottai Village, Dindigul East Taluk, Dindigul District and to demarcate its boundaries as per the revenue records within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.M.S.Jeyakarthick

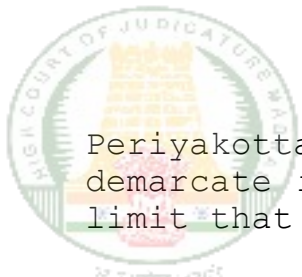
For Respondents

: Mr.M.Pandiyarajan

Additional Government Pleader

ORDER

This writ petition is filed, seeking a direction to the 3rd respondent to conclude the petitioner's appeal dated 05.08.2020 preferred under Section 11 of the Tamil Nadu Survey and Boundaries Act and consequently to survey the petitioner's property in 528/9A, 528/9D, 528/9E, 528/9K, situating in Sakki Nayakkanpatti,



Periyakottai Village, Dindigul East Taluk, Dindigul District and to demarcate its boundaries as per the revenue records within the time limit that may be stipulated by this Court.

2. Mr.M.Pandiyarajan, learned Additional Government Pleader, takes notice for the respondents. By consent of both parties, the Writ Petition is disposed of at the admission stage itself.

3. It is represented by the learned counsel appearing for the petitioner that the petitioner in peaceful possession of the property in S.Nos. 528/9A, 528/9D, 528/9E, 528/9K, situating in Sakki Nayakkanpatti, Periyakottai Village, Dindigul East Taluk, which are his ancestral property. While so, the adjacent land owners filed W.P.(MD) No.16598/2019 before this Court to measure their land. This Court, by order dated 26.07.2019 gave a direction to the respondents therein to measure the said property. However, without considering the objections raised by the petitioner herein, boundaries were fixed thereby some portion of the petitioner's land has been lost. The petitioner, in order to survey the property in question, preferred a representation on 05.06.2020 before the 2nd respondent seeking survey and to demarcate the pathway. The said representation has not been considered so far. While so, challenging the 5th respondent's survey, an appeal dated 05.08.2020 has been preferred by the petitioner to the 3rd respondent under Section 11 of the Tamil Nadu Survey and Boundaries Act 1923. Since the said appeal has not been disposed of till date, the petitioner is before this Court with the aforesaid prayer.

4. It is represented by the respondents that survey has already been conducted and the petitioner is seeking for second survey.

5. Considering the facts and circumstances, though the petitioner has sought for a prayer to conclude the petitioner's appeal, this Court is inclined to direct the respondents 2 to 4 to conduct survey and pass necessary orders in accordance with law, after hearing the petitioner and the necessary parties. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and necessary parties and the costs of photograph and Videograph to be borne by the party seeking patta. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same in accordance with law. The guidelines issued by this Court in W.P.(MD) No.13465 of 2020 dated 05.10.2020 should be followed, wherever it is applicable



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

Sd/-

Assistant Registrar (CO)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Assistant Director of Survey and Land Records,
O/o.Assistant Director of Survey and Land Records,
District Collectorate,
Dindigul, Dindigul District.

3.The Inspector of Survey and Land Records,
Department of Survey and Land Department
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4.The Tahsildar,
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Dindigul, Dindigul District.

5.The Deputy Inspector of Survey and Land Records,
Dindigul East Taluk Office,
Dindigul.

+1 CC to M/s.SPL GP (SR-19433[F] dated 08/10/2020)

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-19406[F] dated 08/10/2020)

W.P (MD) No.13817 of 2020
07.10.2020

CK (CO)

KB(10.11.2020) 3P 8C