



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD) No.13919 of 2020

and

WMP (MD) No.11575 of 2020

A.Ramachandran

... Petitioner

Vs.

1.The District Collector,
O/o. District Collectorate,
Pudukottai.

2.The District Survey Officer,
O/o. District Collectorate,
Pudukottai.

3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Pudukottai, Pudukottai District.

4.The Tahsildar,
Thirumayam Taluk
Pudukottai District

5.The Taluk Surveyor,
Thirumayam Taluk
Pudukottai District.

6.Singaravelu

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent No.2 and 5 to conduct the survey to the petitioner's patta land situated in S.No.234/14 at Virachilai Village, Thirumayam Taluk, Pudukottai District and consequently direct the respondent No.1 to remove the iron fencing illegally made by the respondent No.6 in S.No.234/14 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.P.Krishnadoss for R1 to R5

Special Government Pleader

For Respondent No.6 : Notice Dispensed with.



O R D E R

This writ petition has been filed for a mandamus to direct the respondent Nos.2 and 5 to conduct the survey to the petitioner's patta land situated in S.No.234/14 at Virachilai Village, Thirumayam Taluk, Pudukottai District and consequently direct the respondent No.1 to remove the iron fencing illegally made by the respondent No.6 in S.No.234/14.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader, who takes notice for the respondents 1 to 5. Since no adverse order is going to be passed against the sixth respondent, notice to the 6th respondent is dispensed with.

3.It is the case of the petitioner that the petitioner's father was allotted land in S.No.234/14 at Virachilai Village, under the landless poor scheduled caste category. His father executed a settlement deed in favour of the petitioner, which is registered in Doc.No.820/2020 and the petitioner was issued patta in Patta No.4678, by thus, the petitioner is the absolute owner of the property. While so, on 21.07.2020, under the pretext that the land belongs to Virachilai Singaram Vagayarakkal, some persons illegally put up iron fencing around the patta land of the petitioner, thereby, locking the premises. Therefore, the petitioner preferred a complaint on 20.08.2020 and 03.09.2020, but to no avail. While so, the sixth respondent has approached the third respondent for cancellation of patta issued in favour of the petitioner. On 21.08.2020, the petitioner sent a detailed representation to the respondents 1,3 and 4 to take action against the respondent No.6. Since there is no action whatsoever on the part of the respondents, the petitioner is before this Court with this writ petition.

4.When the matter was taken up for hearing, it is represented by the Special Government Pleader that enquiry is being conducted by the Revenue Divisional Officer and last such enquiry took place on 14.09.2020, where the petitioner and the 6th respondent appeared. He would further submit that if the petitioner cooperates with the enquiry, the authority could come to an early decision in the matter. The said submission is recorded.

5. Taking note of the submissions made by the learned Special Government Pleader appearing on behalf of the official respondents and that the sixth respondent has already appeared for enquiry on 14.09.2020 and the matter stands adjourned by 15.10.2020, this Court is not inclined to grant the relief sought for by the petitioner, except, directing the authorities to conduct enquiry and decide the matter in accordance with law, after hearing both sides. This Court makes it very clear that none of the issue touching the merits of the matter is gone into by this Court. It is open to the



respondents to videograph the enquiry proceedings at the cost of the parties of the case shall be borne by the petitioner.

6. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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,
O/o. District Collectorate,
Pudukottai.
 - 2.The District Survey Officer,
O/o. District Collectorate,
Pudukottai.
 - 3.The Revenue Divisional Officer,
Pudukottai, Pudukottai District.
 - 4.The Tahsildar,
Thirumayam Taluk
Pudukottai District
 - 5.The Taluk Surveyor,
Thirumayam Taluk
Pudukottai District.
- +1 CC to M/s.GP (SR-19443[F] dated 08/10/2020)

Order made in

W.P. (MD) No.13919 of 2020

and W.M.P. (MD) No.11575 of 2020

Dated:

07.10.2020

CK (CO)

<https://hmcscs.court.gov.in/services> 3P 7C