



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.14870 of 2020

WEB COPY

K.Alagumalai

... Petitioner

-vs-

1.The Tahsildar,
Vedasandur Taluk,
Vedasandur Taluk Office,
Dindigul District.

2.The Firka Surveyor,
Vadamadurai Village,
Vedasandur Taluk Office,
Dindigul District.

3.The Village Administrative Officer,
V.Chithoor,
Vadamadurai Village,
Dindigul District.

4.V.Balasubramani

... Respondents

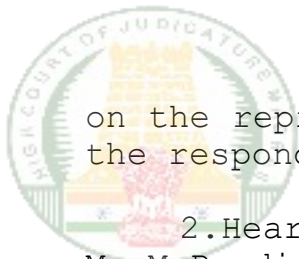
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to measure the land and fix the boundary for the petitioner's land situated at S.Nos.634/1, 635/3, 488/2, 489/1 situated at V.Chithoor, Vadamadurai Village, Vedasandur Taluk. Dindigul District with the aide of police if it is necessary, based on the representation dated 10.10.2020 made by the petitioner before the respondents within the time stipulated by this Court.

For Petitioner : Mr.Sarvagan Prabhu
For Respondents : Mr.M.Pandiya Rajan
1 to 3 Additional Government Pleader

For Respondent 4 : No appearance

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the respondents to measure the land and fix the boundary for the petitioner's land in S.Nos.634/1, 635/3, 488/2, 489/1 situated at V.Chithoor, Vadamadurai Village, Vedasandur Taluk. Dindigul District, with the aide of police if it is necessary, based



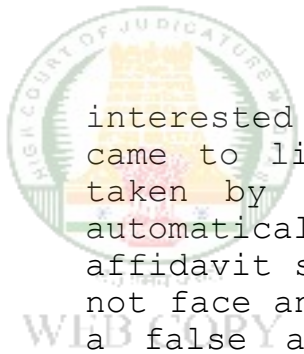
on the representation dated 10.10.2020 made by the petitioner before the respondents within the time stipulated by this Court.

2. Heard the learned Counsel appearing for the petitioner and Mr.M.Pandiya Rajan, learned Additional Government Pleader appearing for the respondents 1 to 3. Though notice has been served on the fourth respondent, he has not chosen to make his appearance.

3. It is represented by the learned counsel appearing for the petitioner that the petitioner had purchased the properties in S.Nos.634/1, 635/3, 488/2, 489/1 situated at V.Chithoor, Vadamadurai Village, Vedaendur Taluk. Dindigul District through registered documents vide Nos.2914, 3572 and 6300, dated 20.08.2009, 30.09.2009 and 19.12.2011 respectively and the revenue records were also mutated in his name. While so, since the fourth respondent, who is a retired Sub Inspector of Police, has purchased the adjacent land situated on the southern side of the above said properties on 24.11.2020 and tried to grab the petitioner's land by instigating his predecessor in title, the petitioner made a representation to the respondents 1 to 3 to measure and mark the boundaries of the petitioner's land by paying necessary fees. Considering the petitioner's representation, summons were issued to the petitioner and the fourth respondent to be present on 10.10.2020 and on the said date the fourth respondent instigated his predecessor in title and created problem and thereafter, the survey was not conducted. Therefore, the petitioner had once again approached the respondents 1 to 3 on 10.10.2020 by making another representation. As there was no response from the respondents, the petitioner has come forward with the present Writ Petition.

4. This Court without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 10.10.2020 and survey the property, after hearing the persons who are likely to be affected including the fourth respondent 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.

5. 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 persons interested 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.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1. The Tahsildar,
Vedasandur Taluk,
Vedasandur Taluk Office,
Dindigul District.
2. The Firka Surveyor,
Vadamadurai Village,
Vedasandur Taluk Office,
Dindigul District.
3. The Village Administrative Officer,
V.Chitoor,
Vadamadurai Village,
Dindigul District.

+1 CC to M/s.SARVAGAN PRABHU, Advocate (SR-25363[F] dated 14/12/2020)

W.P (MD) No.14870 of 2020
10.12.2020

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KG(CO)

TR(22.12.2020) 3P 5C