



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2020

CORAM:

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

W.P. (MD)No.15822 of 2020

P.Murugan

... Petitioner

-vs-

1.The District Collector,
District Collectorate,
Sivaganga District - 630 562.

2.The Tahsildar,
Thirupuvanam Taluk Office,
Thirupuvanam Post,
Sivaganga District - 630 611.

3.The Surveyor,
Thirupuvanam Taluk Office,
Thirupuvanam Post,
Sivaganga District - 630 611.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to conduct survey to measure the land and identify the four boundaries of Survey No.480/2A1 of Village 20, Melarangiam of Thirupuvanam Taluk, Sivaganga District, with sufficient police protection and within the stipulated time, as fixed by this court.

For Petitioner	: Mr.C.Masilamani
For Respondents	: Mr.K.P.Krishnadoss Special Government Pleader

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the third respondent to measure the land by conducting survey and identify the four boundaries in respect of Survey No.480/2A1 of Village 20, Melarangiam of Thirupuvanam Taluk, Sivaganga District, with sufficient police protection and within the stipulated time.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondents. By consent of both sides, 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 is having the land measuring to an extent of 1 Acre 7 Cents in Survey No.480/2A1 situated at Melarangiyam Village of Thirupuvanam Taluk, Sivagangai District. The petitioner is doing cultivation in the said land. While so, one R.Samayan, who has no right over my property, has interfered with the petitioner's peaceful possession by claiming that he owns 10 cents of land in the middle of the petitioner's property. Therefore, the petitioner made a representation to the respondents by paying necessary fees on 04.02.2019 seeking to identify the four boundaries of the petitioner's land. In response to the same, when the third respondent visited the spot and intimated orally to conduct survey, the said R.Samayan objected to conduct survey. Again on 06.02.2020 the petitioner paid prescribed fee for conducting survey and based on the same, the third respondent issued a notice vide No.54/2020 dated 27.02.2020 calling the petitioner and adjacent land owners to be present on 05.03.2020 and on that day also the said R.Samayan created trouble and stopped the survey by showing Encumbrance Certificate for Survey No.480/1 and 480/2. It is further submitted that due to the petitioner's repeated request, the third respondent issued a summon to survey the land on 10.10.2020 but the third respondent has failed to conduct survey on the said date for the reasons best known to him. Therefore, the petitioner has come forward with the present Writ Petition.

4.Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents, on instructions, submitted that one Mr.R.Samayan has objected to the survey of the land and he wanted to survey his land.

5.Considering the facts and circumstances of the case, the second respondent is directed to consider the representation of the petitioner dated 14.10.2020 and survey the property 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.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

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Sivaganga District - 630 611.

+1 CC to Mr.C.MASILAMANI, Advocate (SR-21682[F] dated 10/11/2020)

+1 CC to SPL GP (SR-21905[F] dated 11/11/2020)

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VB (01.12.2020) 3P 6C