



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.16890 of 2020

K.Paunraj ... Petitioner

Vs.

1.The Tahsildar,
Kariyapatti Taluk Office,
Virudhunagar District.

2.The Surveyor,
Kariyapatti Taluk Office,
Virudhunagar District.

3.The Sub Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.

4.Sonai

5.Ilango

6.Ramamoorthy

7.Kumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to survey and demarcate the boundaries in land bearing Survey No.93/12B in Mallankinaru, Mudiayur Village, Kariyapatti Taluk, Virudhunagar District based on the petitioner's representation in person dated 15.10.2020 within the time stipulated by this Court.

For Petitioner : Mr.S.P.Naveenkumar

For Respondents1 to 3 : Mr.P.Kannithevan
Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents 1 and 2 to survey and demarcate the boundaries in land bearing Survey No.93/12B in Mallankinaru, Mudiayur Village, Kariyapatti Taluk, Virudhunagar District based on the petitioner's representation dated 15.10.2020 within a stipulated time.



2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Mr.P.Kannithevan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3. Since no adverse order is going to be passed against the respondents 4 to 7, notice to them is dispensed with.

4. According to the petitioner, he is in possession and enjoyment of the land situated in Survey No.93/12B and patta is in the name of the petitioner in Patta No.10644. In the meantime, the respondents 4 to 7 encroached the petitioner's land and threatened him. Hence, on 12.10.2020 the petitioner sent an application to demarcate the said land in Survey No.93/12B and when the authorities came, the respondents 4 to 7 prevented the authorities to do their duty. Thereafter the petitioner sent a representation to the first respondent on 15.10.2020 to survey his land and fix four boundaries. However, the same has not been considered so far. In such circumstances, the petitioner has approached this Court.

5. This Court without going into the merits of the case, directs the respondent to survey the property of the petitioner, after affording opportunity to the petitioner as well as the interested parties and the persons who are likely to be affected. The said survey shall be photographed and videographed in the presence of the petitioner and the costs of Photograph and Videograph to be borne by the petitioner. Such an exercise shall be completed, within a period of three (3) months from the date of receipt of a copy of this order. At the time of conducting survey and in case of issuance of patta, the guidelines issued by this Court in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and W.P.(MD) Nos.7746 of 2020 etc., batch dated 23.09.2020, have to 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.

6. 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 parties involved 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.

7. Accordingly, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

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 Tahsildar,
Kariyapatti Taluk Office,
Virudhunagar District.
- 2.The Surveyor,
Kariyapatti Taluk Office,
Virudhunagar District.
- 3.The Sub Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.

+1 CC to SPL GP (SR-23365[F] dated 30/11/2020)

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VB (17.12.2020) 3P 5C