



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

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

W.P. (MD)No.16710 of 2020

M.Sivagami

... Petitioner

-vs-

1.The Tahsildar,
Office of Taluk Taluk,
Nilakkottai,
Dindigul District.

2.The Surveyor,
Office of Surveyor Office,
Nilakkottai,
Dindigul District.

... 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 survey and measure the petitioner property comprised in survey number 73/2 measuring an extent of 81.0 ares situated at Koovanuthur Village, Nilakottai, Dindigul District on the basis of the representation dated 22.02.2020 issued to the 1st respondent authority within the time stipulated by this Court.

For Petitioner
For Respondents

: Mr.P.Vetrivel
: Mr.M.Muniyasamy
Additional Government Pleader

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the respondents to survey and measure the petitioner's property comprised in Survey No.73/2 measuring to an extent of 81.0 arce situated at Koovanuthu Village, Nilakottai, Dindigul District on the basis of the representation dated 22.02.2020 submitted before the first respondent within the time stipulated by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Muniya Samy, learned Additional Government Pleader, who took notice for the respondents. By consent, the Writ Petition is disposed of at the admission stage itself.

3.It is represented by the learned counsel appearing for the petitioner that a property measuring to an extent of 81.0 ares in S.No.73/2 situated at Koovanuthu Village, Nilakkottai Taluk,



Dindigul District has been allotted to the petitioner under the special scheme for landless farmers on 07.11.2006 by the Government of Tamil Nadu and she has been in possession and enjoyment of the said land. Since the adjacent land owners are trying to encroach the said land, the petitioner made a representation to the respondents on 22.02.2020 seeking survey of the land. 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 22.02.2020 and survey the property, after hearing the persons who are likely to be affected, 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 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.

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

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



SRM

To

1.The Tahsildar,
Taluk Taluk,
Nilakkottai,
Dindigul District.

2.The Surveyor,
Surveyor Office,
Nilakkottai,
Dindigul District.

+1cc to M/s.Special Government Pleader, SR No.22936

W.P (MD) No.16710 of 2020

24.11.2020

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NA (CO)

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