



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.17214 of 2020

WEB COPY

I.Raju

... Petitioner

Vs.

The Tahsildar,
Madurai West Taluk,
Madurai.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent to issue patta to the petitioner in Plot No.83B in Survey No.101.1.E.12 to an extent of 680 sq.ft., totally and this portion is 68 feet length towards South to North and 10 feet Breadth towards East West for total extent of 680 sq. feet of the vacant house site in Gurusamy Nagar colony at Nagamalaipudhukottai in Madurai-19 based on the petitioner's representation to the respondent dated 17.11.2020.

For Petitioner : Mr.A.R.Palanirajan
For Respondent : Mr.K.P.Krishnadass
Special Government Pleader.

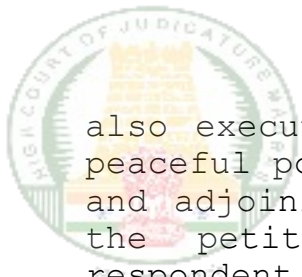
ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to respondent to issue patta to the petitioner in Plot No.83B in Survey No.101.1.E.12 to an extent of 680 sq.ft., totally, which lies 68 feet length towards South to North and 10 feet Breadth towards East West. The said property is a vacant house site in Gurusamy Nagar colony at Nagamalaipudhukottai in Madurai-19 based on the petitioner's representation to the respondent dated 17.11.2020.

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

3. Mr.K.P.Krishnadass, learned Special Government Pleader accepts notice on behalf of the respondent.

4. According to the petitioner, he is in possession and enjoyment of the property situated in Plot No.83B in Survey No.101.1.E.12 to an extent of 680 sq.ft., totally, which lies 68 feet length towards South to North and 10 feet Breadth towards East West. The said property is a vacant house site situated at Gurusamy Nagar colony at Nagamalaipudhukottai in Madurai-19 and sale deed was



also executed in favour of the petitioner on 22.04.2013. Now the peaceful possession of the petitioner is disturbed by the neighbours and adjoining house owners by using the same as pathway. Hence, the petitioner sent a representation on 17.11.2020 to the respondent. 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.

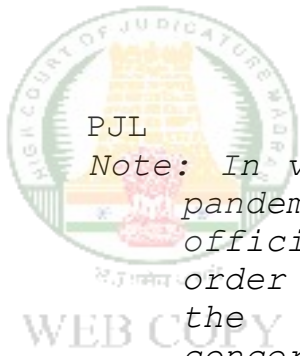
Sd/-

Assistant Registrar(CS)

// 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
The Tahsildar,
Madurai West Taluk,
Madurai.

+1 CC to M/s.GP (SR-23688[F] dated 02/12/2020)

W.P. (MD) No.17214 of 2020
01.12.2020

pu (CO)
TR(10.12.2020) 3P 3C