



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.17626 of 2020

Srinivasan

... Petitioner

-vs-

1.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

2.The Head Surveyor,
Devakottai Taluk,
Sivagangai 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 land in S.No.52/4 of Mangalam Village, Vengalur Panchayat, Devakottai Taluk, Sivagangai District and fix boundaries by considering the petitioner's representation dated 19.11.2020.

For Petitioner	: Mr.S.Sukumar
For Respondents	: 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 land in S.No.52/4 of Mangalam Village, Vengalur Panchayat, Devakottai Taluk, Sivagangai District and fix boundaries by considering the petitioner's representation dated 19.11.2020.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Muniyasamy, learned Additional Government Pleader, who took notice for the respondents. By consent of both parties, 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 land measuring to an extent of 0.5.00 ares in S.No.52/4 situated at Mangalam Village, Vengalur Panchayat, Devakottai Taluk, Sivagangai District belongs to the petitioner and his brother by name Sornalingam which is classified as Punja land in revenue records. Though the petitioner and his brother have more properties inherited from the petitioner, they wanted to survey and fix the boundary only with regard to S.No.52/4 and hence, they have made a representation to the respondents on 10.09.2020 along with a challan for having paid necessary fees. As there was no response from the respondents, the petitioner made another representation on



19.11.2020. Even thereafter there was no response from the respondents and hence, the petitioner has come forward with the present Writ Petition.

4.Mr.M.Muniyasamy, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that part of the amount has been paid by the petitioner for conducting survey and the petitioner may be directed to pay the entire fee.

5.Considering the facts and circumstances of the case, the first respondent is directed to consider the representation of the petitioner dated 19.11.2020 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. 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.With the above directions, the writ petition, is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

2.The Head Surveyor,
Devakottai Taluk,
Sivagangai District.

+1 CC to M/s.GP (SR-24253[F] dated 07/12/2020)

W.P (MD) No.17626 of 2020
04.12.2020

AP (21/12/2020) 3P 4C