



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

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

W.P. (MD)No.17637 of 2020

Vadivel

... Petitioner

-vs-

The Town Surveyor,
Kovilpatti Munisipality,
Kovilpatti,
Thoothukudi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to survey the land in New Survey Nos.574/1 and 574/2 situated at Thoothukudi District, Kovilpatti Town, New Ward 25, Arignar Anna Street, by considering the representation of the petitioner dated 08.09.2020.

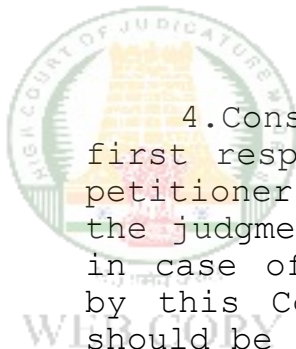
For Petitioner	: Mr.Veilkani Raju, M.
For Respondent	: Mr.K.P.Krishnadoss
	Special Government Pleader

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the respondent to survey the land in New Survey Nos.574/1 and 574/2 situated at New Ward 25, Arignar Anna Street, Kovilpatti Town, Thoothukudi District, by considering the representation of the petitioner dated 08.09.2020.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondent. 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 the property in New Survey Nos.574/1 and 574/2 situated at New Ward 25, Arignar Anna Street, Kovilpatti Town, Thoothukudi District, was allotted to Rojer Kovil Pillai and Siemens Kovil Pillai after the demise of their father Kivil Pillai Nadar on 19.04.2006. The said Rojer Kovil Pillai and Siemens Kovil Pillai had executed a power in favour of the petitioner to maintain the property. Therefore, the petitioner made a representation to the respondent to survey the property along with encumbrance certificate, power deed and fee receipt on 08.09.2020. Since there was no response from the respondent, the petitioner has come forward with the present writ petition.



4.Considering the facts and circumstances of the case, the first respondent is directed to consider the representation of the petitioner dated 08.09.2020 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.

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 (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To
The Town Surveyor,
Kovilpatti Munisipality,
Kovilpatti,Thoothukudi District.

+1 CC to M/s.GP (SR-24444[F] dated 08/12/2020)

W.P (MD) No.17637 of 2020

04.12.2020

KG (CO)

AP(18/12/2020) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>