



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17706 of 2020

F.DANIEL CHRISTOPHER

... PETITIONER

VS

- 1 THE DISTRICT COLLECTOR,
DISTRICT COLLECTOR'S OFFICE,
TRICHY-1,
TRICHY DISTRICT.
- 2 THE REVENUE DIVISIONAL OFFICER,
R.D.O.OFFICE, PARAMASIVAPURAM,
LALGUDI, LALGUDI TALUK,
TRICHY DISTRICT.
- 3 THE TAHSILDAR,
TALUK OFFICE, LALGUDI,
LALGUDI TALUK,
TRICHY DISTRICT.
- 4 THE TALUK SURVEYOR,
TALUK OFFICE, LALGUDI,
LALGUDI TALUK,
TRICHY DISTRICT.
- 5 S.RAJARETHINAM
- 6 R.DEICYRANI
- 7 R.PANDIAN
- 8 P.SHEELA
- 9 R.JONSRAJ

.. RESPONDENTS

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 3rd respondent herein to carry out survey at the petitioner's property situated at Trichy District, Valadi Village, Gabrielpuram revenue village, S.F.No.97/12, in the light of circular made in O.Mu.A3-2157-2020, dated on 01/09/2020, on the file of 2nd respondent, on the basis of

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his title deeds, within the stipulated period as may be fixed by this Hon'ble Court.

For Petitioner	: Mr.R.Sundar
For Respondents 1 to 4	: Mr.P.Kannithevan
	Additional Government Pleader

WEB COPY

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the third respondent herein to carry out survey at the petitioner's property situated at Trichy District, Valadi Village, Gabrielpuram revenue village, S.F.No.97/12, in the light of circular made in O.Mu.A3-2157-2020, dated on 01/09/2020, on the file of second respondent, on the basis of his title deeds, within the stipulated period as may be fixed by this Court.

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 4. Since no adverse order is going to be passed against the respondents 5 to 9, notice to them is dispensed with.

4. According to the petitioner, the property comprised in S.No.97/12 situated at Trichy District, Valadi Village, Gabrielpuram revenue village, is the ancestral property of the petitioner. The property comprised in S.No.219/9 to an extent of 1098 sq.ft belonged to the respondents 5 to 9 herein, who are the adjacent land owners of the petitioner's property. When the petitioner requested the official respondents to survey the petitioner's property, the adjacent owners refused to conduct survey. In this connection, the second respondent issued a communication to the third respondent to survey the petitioner's land. However, the same has not been done so far. In such circumstances, the petitioner has approached this Court.

5. At this juncture, the learned Additional Government Pleader submitted that the survey has already been conducted and RDO report alone is awaiting. Further he submitted that at the time of surveying the land neither the petitioner nor the contesting respondents have agreed to the survey that has been conducted. When this Court pose a question to him, whether any photograph has been taken at the time of survey, he replied such has not been done. Hence, in order to give a quietus to the matter this Court is inclined to give some guidelines to the official respondents to survey the petitioner's property.



6. This Court, without going into the merits of the case and without passing any adverse orders against the contesting respondents, directs the third respondent to survey the property of the petitioner, after affording opportunity to the petitioner as well as respondents 5 to 9 and the interested parties and also the persons, who are likely to be affected. In case of issuance of patta, survey needs to be conducted and 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.

7. 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.

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

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.

WEB COPY

To

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DISTRICT COLLECTOR'S OFFICE,
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TRICHY DISTRICT.
- 4 THE TALUK SURVEYOR,
TALUK OFFICE, LALGUDI,
LALGUDI TALUK,
TRICHY DISTRICT.

+1cc to the Spl GP SR.No.24908.

W.P. (MD) No.17706 of 2020
08.12.2020

NA (CO)
CS (07.01.2021) 4P 6C