



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.18183 of 2020

Samuthiram

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Rajapalayam Taluk,
Virudhuangar District.

2.The Head Surveyor,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 06.11.2020 and to re-survey the land and fix the boundaries the land comprised in S.No.268/27 to an extent of 0.00.485 Ares in Patta No.592 situated at Chettiyarpatti Village, Rajapalaiyam Taluk, Virudhunagar District within the time stipulated by this Court.

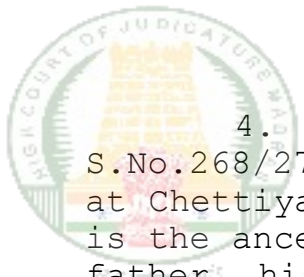
For Petitioner	: Mr.S.Veerapandiselvaraj
For Respondents	: Mr.M.Pandiya Rajan Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents to consider the petitioner's representation dated 06.11.2020 and to re-survey the land and fix the boundaries the land comprised in S.No.268/27 to an extent of 0.00.485 Ares in Patta No.592 situated at Chettiyarpatti Village, Rajapalaiyam Taluk, Virudhunagar District within the time stipulated by this Court.

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

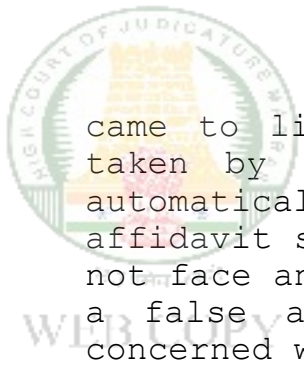
3. Mr.K.Pandiya Rajan, learned Additional Government Pleader accepts notice on behalf of the respondents.



4. According to the petitioner, the property comprised in S.No.268/27 to an extent of 0.00.485 Ares in Patta No.592 situated at Chettiyarpatti Village, Rajapalaiyam Taluk, Virudhunagar District is the ancestral property of the petitioner. After the demise of his father, his mother and himself are the legal heirs of his deceased father. The revenue records were mutated in the name of the petitioner. The petitioner's son, namely, Jeyaraj purchased another property from one Neeravi which is adjacent to the subject property and the same has been duly registered vide Document No.512/2008 dated 27.02.2008 at Sub Registrar Office, Seithur, Rajapalayam Taluk, Virudhunagar District. Till the date of purchase the petitioner's son is in possession and enjoyment of the said land. At this juncture, in order to fix the boundaries the petitioner approached the respondents to survey the property and in this regard, the petitioner made a representation to the respondent on 26.08.2020 and subsequently, the officials of the second respondent conducted a field survey without verifying the village adangal Register and also not fixed the boundaries of the above said Survey No.268/27. Hence the petitioner sent another representation dated 06.11.2020 to resurvey his property and fix the boundaries and also paid necessary fees. 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 second 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. 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.

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 (CRL SIDE)

// 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.

To

1.The Tahsildar,
Taluk Office,
Rajapalayam Taluk,
Virudhuangar District.

2.The Head Surveyor,
Rajapalayam Taluk,
Virudhunagar District.

+1cc to SPL GP SR.NO.25136

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VB (06.01.2021) 3P 4C