



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.19036 of 2020

A.Ravi

... Petitioner

Vs.

1.The Tahsildar,
Musiri Taluk Office,
Musiri,
Trichy District.

2.The Taluk Head Surveyor,
Musiri Taluk Office,
Musiri,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to survey the petitioner's property and fix four boundaries in Survey No.278/5 to an extent of 0.7.00 Ares situated at M.Pudupatti West Revenue Village, Musiri Taluk, Trichy District, based on the petitioner's representation dated 17.11.2020 within a time stipulated by this Court.

For Petitioner : Mr.K.Arunraj

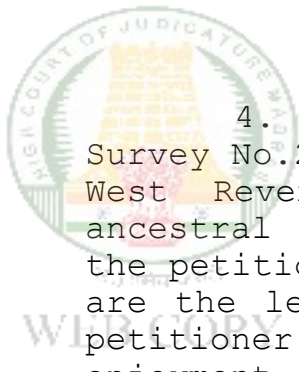
For Respondents : Mr.P.Kannithevan
Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents to survey the petitioner's property and fix four boundaries in Survey No.278/5 to an extent of 0.7.00 Ares situated at M.Pudupatti West Revenue Village, Musiri Taluk, Trichy District, based on the petitioner's representation dated 17.11.2020 within a 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.P.Kannithevan, learned Additional Government Pleader accepts notice on behalf of the respondents.



4. According to the petitioner, the property comprised in Survey No.278/5 to an extent of 0.7.00 Ares, situated at M.Pudupatti West Revenue Village, Musiri Taluk, Trichy District, is the ancestral property of the petitioner's family. After the demise of the petitioner's father, the petitioner and his brothers and sisters are the legal heirs and now three of the legal heirs including the petitioner alone alive. Now, the petitioner is in possession and enjoyment of the said property. In order to fix the four boundaries, the petitioner approached the respondents to survey the property and in this regard, the petitioner made a representation to the respondents on 17.11.2020. 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 respondents, more particularly, 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.



WEB COPY

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

Sd/-

Assistant Registrar (AD-II)

// 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,
Musiri Taluk Office,
Musiri,
Trichy District.

2.The Taluk Head Surveyor,
Musiri Taluk Office,
Musiri,
Trichy District.

+1cc to Special Government Pleader Sr.No.27250

W.P. (MD)No.19036 of 2020

23.12.2020

SS (CO)

NR (19/01/2020) 3P : 4C