



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.10.2020**

CORAM:

WEB COPY

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

W.P (MD)No.5632 of 2018  
and W.M.P. (MD) No.5529 of 2018

Arulmigu Kattu Badrakali Amman Temple  
Venkadasamudram,  
Thirumangalam Taluk  
Madurai District through  
its Executive Officer

... Petitioner

Vs.

1.The District Collector,  
Collector Office,  
Madurai.

2.The Tahsildar  
Tirumangalam Taluk  
Tirumangalam,  
Madurai District.

3.The District Surveyor,  
Collector's office,  
Madurai  
Madurai District.

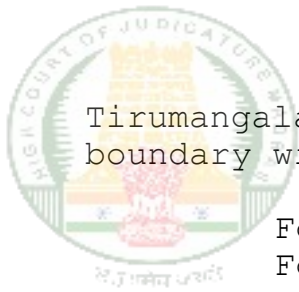
4.The Taluk Field Surveyor,  
Tahsildar Office  
Tirumangalam,  
Madurai District

5.The Secretary  
Tirumangalam Pandiyakula Kshatriya  
Nadargal Uravinmurai Executive Committee  
63 Poochi Nadar Street, Tirumangalam,  
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 3<sup>rd</sup> and 4<sup>th</sup> respondents to survey the lands comprised in T.S.No.4,5 (Old S.No.295/1A2A, 295/1A2B) 2 Acre 37 cents T.S.No.94 (Old S.No.295/1C2) situated in Arumugam Road, Vadakarai Village,

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



Tirumangalam Taluk, Madurai District after due notice and fix boundary with survey stones within time fixed by this Court.

For Petitioner : Mr.S.Manohar  
For respondents : Mr.P.Kannithevan for R1 to R4  
Additional Government Pleader  
Mr.M.Muthukrishnan for R5

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**ORDER**

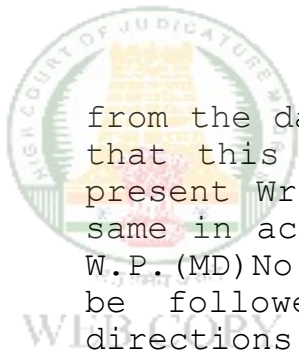
This writ petition has been filed for issuance of a direction to the 3<sup>rd</sup> and 4<sup>th</sup> respondents to survey the lands comprised in T.S.No.4,5 (Old S.No.295/1A2A, 295/1A2B) 2 Acre 37 cents T.S.No.94 (Old S.No.295/1C2) situated in Arumugam Road, Vadakarai Village, Tirumangalam Taluk, Madurai District after due notice and fix boundary with survey stones within a time to be fixed by this Court.

2. It is the case of the petitioner that the Temple possess the aforesaid lands and the said lands have been encumbered by the poojaris of the temple by executing documents in favour of the fifth respondent. Hence, the first respondent issued proceedings stating that the documents are invalid. Aggrieved by the said proceedings, the fifth respondent filed W.P.No.4678/2004 before this Court and the said writ petition came to be dismissed by order dated 24.08.2017 holding that the petitioner has to challenge the said proceedings in accordance with law by enclosing a copy of the proceedings dated 27.02.2004. While that being so, the fifth respondent has encroached upon the property in question by putting shops and notice has also been sent to him to vacate the property.

3. It is the further case of the petitioner that for surveying the said lands of the petitioner Temple and fixing boundaries, the fourth respondent has sent notice. However, since the fifth respondent has raised some objections, the survey has not been conducted. Hence, in order to direct the respondents to survey the land and fix the boundaries, the petitioner is before this Court with this writ petition.

4. When this matter was taken up for hearing, it is represented by the learned Additional Government Pleader that the official respondents have no objection for conducting resurvey.

5. Considering the facts and circumstances, the respondents 3 and 4 are directed to conduct survey and pass necessary orders in accordance with law, after hearing the petitioner and the necessary parties. 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 necessary parties and the costs of photograph and Videograph to be borne by the party seeking patta. Such exercise shall be completed within a period of three months



from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same in accordance with law. The guidelines issued by this Court in W.P.(MD)No.13465 of 2020 dated 05.10.2020 as modified today should be followed, wherever it is applicable. This Court has given directions to the Surveyor in W.P.(MD) No.13465/2020, the same principle laid down therein shall also be applicable to the facts of the present case.

6. With the above direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

To

- 1.The District Collector,  
Collector Office,  
Madurai.
- 2.The Tahsildar  
Tirumangalam Taluk  
Tirumangalam, Madurai District.
- 3.The District Surveyor,  
Collector's office, Madurai  
Madurai District.
- 4.The Taluk Field Surveyor,  
Tahsildar Office  
Tirumangalam, Madurai District.

+1 CC to SPL GP ( SR-20231[F] dated 15/10/2020 )

+1 CC to Mr.S. MANOHAR, Advocate ( SR-20261[F] dated 15/10/2020 )

W.P(MD)No.5632 of 2018  
13.10.2020

VB (09.11.2020) 3P 7C