



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.12864 of 2018

WEB COPY

Suresh

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Madurai.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai District,
Madurai.
3. The Tahsildar,
Melur Taluk,
Madurai District.
4. The Surveyor,
Melur Taluk,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to survey and demarcate the boundaries in the petitioner's land in Re-Survey No.819/2B, A.Vallalapatti Village, Melur, Madurai, by considering the petitioner's representation dated 25.04.2018.

For Petitioner	: Mr.S.M.A.Jinnah
For Respondents	: Mr.M.Muniyasamy, Additional Government Pleader.

O R D E R

This writ petition is filed seeking issuance of Writ of Mandamus to direct the third respondent to survey and demarcate the boundaries in the petitioner's land in Re-Survey No.819/2B, A.Vallalapatti Village, Melur, Madurai, by considering the petitioner's representation dated 25.04.2018.

2. Heard the learned counsel appearing for the petitioner and Mr.M.Muniyasamy, learned Government Advocate who takes notice for the respondents.



3. It is represented by the learned counsel appearing for the petitioner that the petitioner purchased Nanja land measuring an extent of 2 acres in Re-survey No.819/2B, A.Vallalapatti Village, Melur Taluk, Madurai from one Rajaji and Guhan through their power agent, namely, Jeya Gowsalya vide Sale Deeds in Document Nos.199 of 2013 and 200 of 2013 dated 21.01.2013. The petitioner was issued with joint patta No.2654 in respect of the aforesaid property. The petitioner approached the third respondent to survey his land and demarcate the boundaries. In the meanwhile, W.P.(MD)No.8286 of 2012 was filed by one Gopalakrishnan for protecting Murugakon Tank, Puthu Tank @ Chinnan Tank and Nayakankulam Tank and its water supply channels. The Hon'ble Division Bench of this Court directed the respondents to conduct an enquiry and pass appropriate orders within 12 weeks. He further submitted that the petitioner's land was classified as Nanja land and it has separate patta and it was not dealt with in the order dated 06.08.2014 made in W.P.(MD)No.8286 of 2012. Since there is no response from the third respondent, the petitioner is before this Court with the aforesaid relief.

4. The learned Government Advocate would submit that the respondents are willing to abide by the directions of this Court issued vide order dated 23.09.2020 in W.P.(MD) No.7746 of 2020 batch.

5. Considering the facts and circumstances of this case, the third respondent is directed to consider the representation of the petitioner dated 25.04.2018 and survey the petition mentioned property after issuing notice and giving an opportunity of personal hearing to those persons who are in possession thereof and others who are likely to be affected, 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.

6. With the above directions, the writ petition, is disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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 District Collector,
District Collector Office,
Madurai.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai District,
Madurai.
3. The Tahsildar,
Melur Taluk,
Madurai District.
4. The Surveyor,
Melur Taluk,
Madurai District.

W.P. (MD)No.12864 of 2018
24.11.2020

MA (CO)
KM (17.12.2020) 3P 5C