



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2020

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THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

W.P. (MD) No.2930 of 2016

WEB COPY

M.Abdul Wahaf,
S/o.Mohamed Sultan,
President,
Almasjidul Aksa Jumma Pallivasal and
Muthal Rowther Dharga,
Thanjore Road,
Nehru Nagar, Pudukottai.

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Pudukottai North Taluk,
Pudukottai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to furnish the boundary lines with Survey Numbers and Field Map as per the report filed by the second respondent dated 17.07.2015 within the time limit prescribed by this Court.

For Petitioner : Mr.K.C.Ramalingam
For Respondents : Mr.C.Ramar,
Additional Government Pleader.

ORDER

This writ petition has been filed to direct the respondents to furnish the boundary lines with Survey Numbers and Field Map as per the report filed by the second respondent dated 17.07.2015 within a time frame.

2.Earlier the petitioner filed a writ petition for surveying and demarcating the petitioner's land in survey No.312. This Court, without expressing any opinion on merits, gave a direction to consider and dispose of the representation. Thereafter, it appears that survey was conducted and the respondent has reported by an order that the survey has been completed and the petitioner was shown the boundaries of the property in S.No.312.

3.Without challenging the said order, the petitioner filed the present writ petition to direct the respondents to furnish the boundary lines with Survey Numbers and Field Map as per the report filed by the second respondent dated 17.07.2015.

4.Pending writ petition the learned Additional Government Pleader produced a survey plan showing that the property as per the



plan was surveyed and shown to the petitioner.

5.This Court find that whole exercise was pursuant to the earlier writ petition and the present writ petition is not maintainable. Without issuing notice to the neighboring land owners, the petitioner, appears to have submitted a representation to the Tahsildar for demarcating of his property in S.No.312. Based on the direction of this Court to consider the representation, the respondents seems to have surveyed the property. This exercise was not done after issuing notice to the neighboring land owners so as to enable the petitioner to claim the demarcation or sub-division effected on ground to blind others.

6.In this case, the petitioner stated that there is a dispute between the petitioner and the Forest Department as they identify some portion of property in the enjoyment of the petitioner is falling within their territory. When that being so, the Forest Department ought to have been impleaded in this writ petition.

7.In such circumstances, filing of petition one after another, appears to get a report from the Revenue officials so as to fish evidence or to establish petitioner's claim of title or enjoyment. This Court cannot entertain such writ petition. In view of the statement and the plan submitted by the learned Additional Government Pleader, this Court find that no further adjudication is required in this writ petition. Accordingly, this writ petition is closed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Pudukottai North Taluk,Pudukottai.

+1 CC to M/s.SPL.GP (SR-6330[F] dated 14/02/2020)

+1 CC to M/s.K.C.RAMALINGAM, Advocate (SR-6404[F]

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13.02.2020

SMA/25/02/2020/2P/5C