



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2020

CORAM:

WEB COPY

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

W.P (MD) No.19352 of 2018

M.Malliga

.. Petitioner

Vs.

1.The District Collector,
The Collectorate,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.

3.The Inspector of Police,
Thirupathur Police Station,
Thirupathur,
Sivagangai District.

4.The Surveyor,
Thirupathur Talulk,
Sivagangai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the fourth respondent to measure the petitioner's property in Patta No.1532 in Survey No.272/1, to an extent of 1 Acre 94 cents and further direction to the third respondent to give the police protection at the time of measurement in the petitioner's own property on the basis of the petitioner's representation dated 23.07.2018.

For Petitioner
For Respondents

: Mr.A.Rajaram
: Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the fourth respondent to measure the petitioner's property in Patta No.1532 in Survey No.272/1, to an extent of 1 Acre 94 cents and further direction to the third respondent to give the police



protection at the time of measurement in the petitioner's own property on the basis of the petitioner's representation dated 23.07.2018.

2. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

3. It is represented by the learned Special Government Pleader that the second respondent is the authority to consider the representation of the petitioner dated 23.07.2018.

4. This Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 23.07.2018, on production of the necessary documents relating to the properties, and 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. If the documents produced by the petitioner

5. 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.



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

Sd/-

Assistant Registrar (Records)

// True Copy //

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/ /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 District Collector,
The Collectorate,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.

3.The Inspector of Police,
Thirupathur Police Station,
Thirupathur,
Sivagangai District.

4.The Surveyor,
Thirupathur Talulk,
Sivagangai District.

+1cc to the Spl GP SR.No.25541.

+1cc to Mr.A.Rajaram, Advocate, SR.No.25493.

**W.P (MD) No.19352 of 2018
14.12.2020**

ES (CO)

CS (06.01.2021) 3P 7C