



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.24179 of 2019

N.Nataraj Kumar

... Petitioner

Vs.

1.The District Collector,
O/o.Collector Office,
Madurai Main Road,
Theni & District.

2.The Revenue Divisional Officer,
Indira Nagar,
Uthamapalayam,
Theni District.

3.The Tahsildar,
Taluk Office,
Uthamapalayam,
Theni District.

4.The Head Surveyor,
Taluk Office,
Uthamapalayam,
Theni District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents No.1 to 4 to carry out the survey of the dry lands in Survey No.240/6A1A measuring to an extent of 1 Acre 44 cents situated at Odaipatti, Uthamapalayam of Theni District, based on the petitioner's representation dated 17.10.2019.

For Petitioner	: Mr.K.Safar Badhusa
For Respondents	: Mr.C.Ramesh Special Government Pleader

ORDER

This writ petition is filed to direct the respondent Nos.1 to 4 to carry out the survey of the dry lands in Survey No.240/6A1A measuring an extent of 1 Acre 44 cents, situated at Odaipatti, Uthamapalayam of Theni District, based on the petitioner's representation dated 17.10.2019.

2.Heard Mr.K.Safar Badhusa, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader



appearing for the respondents.

3.It the affidavit, it has been averred that one Sinna Gounder and his wife have executed the dry lands measuring an extent of 26 cents, in favour of the petitioner's mother viz., Malliga. After the demise of the petitioner's mother, the said land devolved on the legal heirs of the deceased Malliga. Since the said lands were not fenced, there will be a possibility of encroachment. Therefore, the petitioner wants to survey the said land and to fix the boundaries. In this regard, the petitioner has made a representation dated 17.10.2019 to the respondents. Since no action has been taken, the petitioner is before this Court.

4.The learned Special Government Pleader appearing for the respondents submitted that the petitioner has not produced the relevant documents viz., Legal Heirship Certificate and No Objection Certificate from the Lrs of the deceased Malliga., before the authorities to consider his representation.

5.The learned counsel appearing for the petitioner submitted that the petitioner filed the Legal Heirship Certificate issued by the Tahsildar, in the typed-set of papers. Therefore, the petitioner may be permitted to produce the copy of the said certificate as well as the No objection Certificate obtained from the Legal Heirs of the deceased Malliga, before the respondents, to establish his right in the property.

6.In view of the above, the petitioner shall submit the copy of the representation dated 17.10.2019 and the No Objection Certificate obtained from the Legal Heirs of the deceased Malliga, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation and the No Objection Certificate, the respondents are directed to consider the same and pass orders on merits and in accordance with law within a period of eight weeks thereafter. If the respondents have not satisfied with the No Objection Certificate produced by the petitioner, it is open to them to take final decision in accordance with law, after providing opportunity to the parties concerned.

7.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// 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,
O/o.Collector Office,
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Theni & District.
- 2.The Revenue Divisional Officer,
Indira Nagar,
Uthamapalayam,
Theni District.
- 3.The Tahsildar,
Taluk Office,
Uthamapalayam,
Theni District.
- 4.The Head Surveyor,
Taluk Office,
Uthamapalayam,
Theni District.

+1 CC to M/s.GP (SR-14652[F] dated 21/08/2020)

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AP(02/09/2020) 3P 6C