



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.13876 of 2012

and

M.P. (MD) .No.1 of 2012

Velmurugan

: Petitioner

Vs.

1. The District Collector, Theni District, Theni.
2. The Tahsildar, Andipatti Taluk, Theni District.
3. The Revenue Inspector, Mayiladumparai, Theni District.
4. The Firka Surveyor, Andipatti, Theni District.
5. The Secretary,
Agricultural Regulated Marketing Society,
Periyakulam Road, Theni District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to survey and demarcate the boundaries of the land bearing Survey No.466/10, situated at Thangammalpuram, Theni District.

For Petitioner
For R-1 to R-5

: Mr.R.Murugan
: Mr.M.Muniasamy
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the second respondent to consider the representation / application made by the father of the petitioner on 21.02.2005 and to conduct a survey and demarcate the boundaries with respect to the subject properties.

2. The case of the petitioner is that an assignment patta was issued in the name of his father by proceedings of the Special Tahsildar, dated, 26.03.1978. The father of the petitioner submitted a representation on 21.02.2005 to the second respondent to survey the land and to demarcate the boundaries. According to the petitioner, the second respondent through letter dated 02.03.2005, directed the third and fourth respondents to survey the land and submit a report. The grievance of the petitioner is that the third and fourth respondents did not follow up with the letter of the second respondent.



3. The petitioner has further alleged in the affidavit that the fifth respondent is attempting to put up a processing unit even though they have been assigned only Survey No.466/ 2018. Therefore, in order to avoid confusion, the petitioner has filed this Writ Petition seeking for a direction to the respondents to conduct a survey and to mark the boundaries.

4. The fifth respondent has filed a counter affidavit in this case and a specific stand has been taken to the effect that the Society has nothing to do with the property assigned to the father of the petitioner in Survey No.466/10 and the Unit has been put up only in the land assigned to the Society in Survey No.466/18.

5. Heard Mr.R.Murugan, learned counsel appearing on behalf of the petitioner and Mr.M.Muniasamy, learned Additional Government Pleader appearing on behalf of the respondents.

6. Taking into consideration the facts and the circumstances of the case and the limited relief sought for in this Writ Petition by the petitioner, if the survey has not already been conducted by the third and fourth respondents, there shall be a direction to the third and fourth respondents to conduct the survey as per the letter issued by the second respondent dated 02.03.2005, within a period of six (6) weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to make a fresh representation to the respondents 2 to 4 along with all the relevant documents and also a copy of this order.

8. The Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.S.)

// True Copy //

Sub Assistant Registrar(CS)

Tsg

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.

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



To

1. The District Collector, Theni District, Theni.
2. The Tahsildar, Andipatti Taluk, Theni District.
3. The Revenue Inspector,
Mayiladumparai, Theni District.
4. The Firka Surveyor, Andipatti, Theni District.

1CC TO THE SPL GOVT PLEADER SR 17539

GS

05/05/2021

3P/6C

Order made in
W.P. (MD)No.13876 of 2012
Dated: 23.04.2021