



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

CORAM

THE HON'BLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.(MD) No.14640 of 2021

and

W.M.P.(MD) .No.11574 of 2021

WEB COPY

K.Kathiresan

... Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Assistant Director (Survey)
District Survey Office,
Collectorate Complex,
Madurai 625020

3.The Thasildar,
Melur Taluk,
Melur, Madurai District.

4.P.L.Senthil

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to the respondents 1 to 3 to direct the nature of writ petition the petitioner's representation dated 08.01.2021 to restrain the fourth respondent.

For Petitioner : Mr.K.Guruchev

For Respondents : Mr.P.Subbaraj,

Counsel for the State for R1 to R3

O R D E R

The petitioner seeks the rectification of alleged discrepancies with regard to the extent and boundaries of his property and a survey in relation thereto.

2. The petitioner traces title to the property through a sale deed dated 27.04.1948 in favour of his vendor. The petitioner states that he purchased the property from such vendor on 09.10.1990 under document No.2195 of 1990. According to the petitioner, the fourth respondent has taken undue advantage of a discrepancy in the FMB sketch and has attempted to trespass upon the petitioner's property. It is stated that the petitioner approached the Court earlier by filing W.P.(MD).No.4995 of 2012.

In spite of the order directing the respondent therein to consider



his representation and pass orders within a period of six weeks, it is stated that no action has been taken. The present writ petition is filed in these facts and circumstances.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3. He states that if an appropriate representation is submitted by the petitioner the same would be considered and disposed of on merits by the Thasildar.

4. From the facts set out in the affidavit in support of the writ petition, it is evident that the petitioner complaints of a discrepancy in the FMB sketch. Therefore, unless the discrepancy complained of is dealt with, a survey cannot be undertaken. Therefore, the petitioner is granted leave to submit a fresh representation to the Thasildar. The representation dated 08.01.2021 is unclear and does not specify the relief claimed by the petitioner.

5. Accordingly, without going into the merits of the matter, the petitioner is permitted to carry a fresh representation to the third respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the third respondent is directed to consider such representation and pass a reasoned order thereon within a period of three months therefrom. Before passing such reasoned order, the third respondent shall provide a reasonable opportunity to the petitioner and to the fourth respondent herein. On account of the fact that the merits of the matter have not been gone into and because the third respondent herein is directed to hear the fourth respondent before passing an order, the writ petition is disposed of without notice to the private respondents.

6. W.P.(MD).No.14640 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.(MD). No.11574 of 2021 is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn



To

1.The District Collector,
Madurai.

2.The Assistant Director (Survey)
District Survey Office,
Collectorate Complex,
Madurai 625020

3.The Thasildar,
Melur Taluk,
Melur, Madurai District.

+1 CC to M/s.SPL GP (SR-26757[F] dated 19/08/2021)

W.P. (MD) No.14640 of 2021
and
W.M.P. (MD) .No.11574 of 2021
18.08.2021

DJ(CO)
SB(26.08.2021) 3P 5C