



WEB COPY

WP(MD) No.5125 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.5125 of 2021

and W.M.P. (MD) Nos.6355 & 4112 of 2021

(Through Video Conference)

Muthupandian

... Petitioner

Vs.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

3.The Inspector of Survey,
Sankarankovil Taluk,
Tenkasi District.

4. Velladurai

5. The Revenue Divisional Officer,
Sankarankovil

... Respondents

**** R4 has been impleaded vide Order of this Court made in W.M.P. (MD) No.6355 of 2021 and R5 has been suo-moto impleaded by this Court vide Order dated 21.04.2021***

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to survey and measure under the Survey and Boundaries Act provisions with the help of police and revenue subordinates by sub-divisions and marking field line with sub-division numbers in S.No.521/1D (0.18.00 hec), 521/1E (0.17.00 hec), 521/1F (0.15.00 hec), 521/1G (0.13.00 hec) and 521/1H (0.40.00 hec) in patta No.709 and 1170, by carrying out the same in the relevant revenue records, in Vadakku Panavadali Revenue village in Sankarankovil Taluk in Tenkasi District.

For Petitioner
For RR1 to 3

: Mr.F.X.Eugene
: Ms.M.Rajeswari,
Government Advocate

For R-4
(Impleaded)

: Mr.R.J.Karthick



O R D E R

The Revenue Divisional Officer, Sankarankovil is suo moto added as the fifth respondent in this Writ Petition.

2. This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the application submitted by the petitioner on 20.10.2020 wherein the petitioner has sought for the survey of the subject property and for fixing of the boundaries.

3. The learned counsel appearing on behalf of the impleaded fourth respondent submitted that aggrieved by the Patta granted by the Tahsildhar, an appeal has been filed before the Revenue Divisional Officer, Sankarankovil. The learned counsel, therefore, submitted that the survey has to await the final orders in the Appeal.

4. Heard Mr.F.X.Eugene, learned counsel for the petitioner, Ms.M.Rajeswari, learned Government Advocate for the respondents 1 to 3 and Mr.R.J.Karthick, learned counsel for the impleaded fourth respondent.

5. In view of the above, there shall be a direction to the impleaded fifth respondent to issue notice to the petitioner and the fourth respondent in the Appeal filed by the fourth respondent and conduct the enquiry in the Appeal and pass final orders within a period of eight(08) weeks from the date of receipt of a copy of this order. Depending upon the result in the Appeal to be decided by the fifth respondent, the petitioner can take a decision with regard to conducting the survey in the subject property.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sts

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,
Tenkasi District, Tenkasi.

2.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

3.The Inspector of Survey,
Sankarankovil Taluk,

4. The Revenue Divisional Officer,
Sankarankovil.

+1 CC to M/s.F.X.EUGENE, Advocate (SR-16986[F] dated 22/04/2021)
+1 CC to M/s.SPL GP (SR-17175[F] dated 22/04/2021)

Order made in
W.P. (MD) No.5125 of 2021

sj (CO)
TR(06.07.2021) 3P 7C