



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. (MD) No.8216 of 2021

R.Kamaraj

...Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director,
Survey and Land Records,
District Survey Office,
Collectorate,
Ramanathapuram - 623 503.

3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

4.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

5.Selvaraj

... Respondents

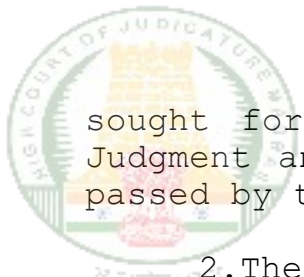
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.2 to 4 to survey the land situated in Survey No.242/2, Surankottai Group, Ramanathapuram Taluk, Ramanathapuram District and to rectify the FMB in respect of the petitioner's land situated in Survey No.240/2C, Surankottai Group, Ramanathapuram Taluk, Ramanathapuram District based on the Judgment and decree in O.S.No.85 of 2010, dated 11.09.2017, passed by the learned District Munsif, Ramanathapuram, within a period as fixed by this Court.

For Petitioner : Mr.J.M.Hassanul Bazari

For Respondent : Mr.M.Rajarajan for R1 to R4
Additional Government Pleader

O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to act upon the representation made by the petitioner on 19.08.2019, wherein, the petitioner has



sought for the rectification of the FMB sketch in line with the Judgment and decree passed in O.S.No.85 of 2010, dated 11.09.2017, passed by the District Munsif, Ramanathapuram.

2.The case of the petitioner is that the subject property measuring an extent of 1 acre and 35 cents situated at S.No.240/2c was purchased by the petitioner, in the joint name of the petitioner, his wife and his son. The further case of the petitioner is that the father of the 5th respondent had fabricated documents and managed to sub divide the land in S.No.240/2 and rope in the property belonging to the petitioner also.

3.The father of the fifth respondent also filed a suit in O.S.No.85 of 2010 before the District Munsif, Ramanathapuram, claiming right over the property and the petitioner filed a counter claim in the same suit. By a judgment and decree, dated 15.10.2018, the suit filed by the father of the fifth respondent was dismissed and the counter claim was allowed.

4.The petitioner based on the said decree, made a representation to the respondents and requested for the rectification of the FMB with respect to his property. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

5.Heard Mr.J.M.Hassanul Bazari, learned counsel for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader, for the respondents 1 to 4.

6.Taking into consideration the facts and circumstances of the case and the limited relief sought for in the writ petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 19.08.2019 and take a decision on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The second respondent before taking the decision shall issue notice to all parties, who are interested in the property and give them opportunity.

7.The petitioner is directed to make a fresh representation to the second respondent along with all the relevant document and also a copy of this order.

8.This writ petition is disposed of with the above directions. No costs.

Sd

ASSISTANT REGISTRAR (RECORDS)

TRUE COPY

/05/2021

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,
Ramanathapuram District,
Ramanathapuram.
- 2.The Assistant Director,
Survey and Land Records,
District Survey Office,
Collectorate,
Ramanathapuram - 623 503.
- 3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

1CC TO MR. J.M.HASSANAUL BAZARI, ADVOCATE SR 16573
1CC TO THE SPL GOVT PLEADER SR 16934

TR
03/05/2021
3P/7C

W.P. (MD) No.8216 of 2021
20.04.2021