



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.06.2021

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WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.9701 of 2021

T.Balakrishnan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director of Survey,
Collectorate Complex,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Kadaladi Taluk,
Kadaladi,
Ramanathapuram District.

4.The Inspector of Police,
Sayalkudi Police Station,
Sayalkudi,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to conduct survey and demarcate the village common properties in survey Numbers 369/1- Grama Natham Pathway, S.Nos.350/4, 379/3, 372/1, 386/4, 376/5, 393/3, 395/2, 396/2 village Cart tracks, S.No.351/1 - Kuzhali Amman Temple land, 380/3 School and cremation ground, S.No.302 - Village Tank of S.Vagaikulam Village Group - Keerandai Village and S.No.113/5, Iyyanar Temple drinking water tank (Oorani), S.No.93/6 - Muniasamy kovil drinking water Tank (Oorani), S.No.74 Village big Tank (Kanmai), S.No.92 - Small Village Tank (Chinna Kanmai), S.No.71, Udaikulam Kanmai of S.Vaigaikulam Village Group - Pullandai Village, Kadaladi Taluk, Ramanathapuram District, based on the applications filed by him, before the third respondent and further direct to provide police protection for survey of village common properties.



For Petitioners : Mr.Rajakarthikeyan
For Respondents : Mr.P.Thillak Kumar,
Standing Counsel for Government

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing directing the third respondent to conduct survey and demarcate the village common properties in survey Numbers 369/1- Grama Natham Pathway, S.Nos.350/4, 379/3, 372/1, 386/4, 376/5, 393/3, 395/2, 396/2 village Cart tracks, S.No.351/1 - Kuzhali Amman Temple land, 380/3 School and cremation ground, S.No.302 - Village Tank of S.Vagaikulam Village Group - Keerandai Village and S.No.113/5, Iyyanar Temple drinking water tank (Oorani), s.No.93/6 - Muniasamy kovil drinking water Tank (Oorani), S.No.74 Village big Tank (Kanmai), S.No.92 - Small Village Tank (Chinna Kanmai), S.No.71, Udaikulam Kanmai of S.Vaigaikulam Village Group - Pullandai Village, Kadaladi Taluk, Ramanathapuram District, based on the applications filed by petitioner before the third respondent to provide police protection for surveying the village common properties.

4.The case of the petitioner is that he is the Village Panchayat President of Keerandai Village Panchayat, Keerandai, Kadaladi Taluk, Ramanathapuram District. It is the duty of the Village Panchayat President to safe-guard the village common properties, as per Section 84 of Tamil Nadu Panchayat Act, 1994. In order to safe-guard the village common properties, the petitioner decided to survey and demarcate the said properties. Pursuant to which, the Village Panchayat has passed a resolution dated 05.08.2020 to survey the said village common properties. Therefore, the petitioner has given an application before the third respondent seeking police protection to survey the village common properties. So far no order has been passed. Hence, the present writ petition is filed.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the application of the petitioner.

6. The learned standing counsel for the respondents would state that the application of the petitioner would be considered within a reasonable time.



7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his application or in this Writ Petition, the third respondent is directed to consider the application of the petitioner, dated 07.09.2020, on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order .

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:(i) 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 of Survey,
Collectorate Complex,
Ramanathapuram District,
Ramanathapuram.
- 3.The Tahsildar,
Kadaladi Taluk,
Kadaladi,
Ramanathapuram District.



4.The Inspector of Police,
Sayalkudi Police Station,
Sayalkudi,
Ramanathapuram District.

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+1 CC to SPL GP (SR-18821[F] dated 04/06/2021)

W.P (MD) No.9701 of 2021
03.06.2021

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