



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9650 of 2021

R.Elavarasan

... Petitioner

Vs.

1.The Sub Collector,
Madurai District, Madurai.

2.The Tasildhar,
Vadipatti Taluk,
Madurai District.

3.The Taluk Surveyor,
Vadipatti Taluk,
Madurai District.

4.U.Chelladurai

5.U.Raja Mohammed

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent Nos.2 and 3 to survey the petitioner's Patta land situated in New Survey No.25/5A, 25/5C, 25/6A, 25/6D, 25/6C, to an extent of 1 Acre 12 cents at Vavidamaruthur, Vadipatti Taluk, Madurai District and fix the boundary stones within the stipulated time prescribed by this Court.

For Petitioner	: M/s.T.Lajapathi Roy
For Respondent	: Mr.P.Thillak Kumar,
Nos.1 to 3	Standing Counsel for Government

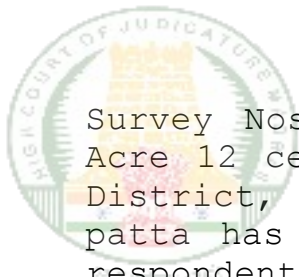
O R D E R

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondent Nos.1 to 3.

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 the respondent Nos.2 and 3 to survey the petitioner's Patta land situated in New Survey Nos.25/5A, 25/5C, 25/6A, 25/6D, 25/6C, to an extent of 1 Acre 12 cents at Vavidamaruthur, Vadipatti Taluk, Madurai District and fix the boundary stones within the stipulated time prescribed by this Court.

4. The case of the petitioner is that the lands in New



Survey Nos.25/5A, 25/5C, 25/6A, 25/6D, 25/6C to an extent of 1 Acre 12 cents at Vavidamaruthur Village, Vadipatti Taluk, Madurai District, are the ancestral property of the petitioner and the patta has been issued to the petitioner's father and the second respondent in Patta Nos.679, 1652. Further, the petitioner is cultivating in the said lands. In these circumstances, the respondent Nos.4 and 5 are illegally taking sand in the above said lands. The respondent Nos.4 and 5 is empowered to quarry the sand only from the lands in S.No.2/11B, 2/12B, 2/12C, 2/8B, 21/2, 21/1B, 21/3C, 21/3D in Vavidamaruthur Village, Vadipatti Taluk, Madurai District. But, the respondent Nos.4 and 5 are proceeding to illegally quarry in the petitioner's lands. Therefore, the petitioner made a representation to the second respondent on 20.01.2021 and he was directed to pay the necessary charges for surveying the lands, he had also paid a sum of Rs.4,000. A receipt was issued for the same, but no further action was taken. Thereafter, the petitioner again made a representation to the respondent No.1 on 20.02.2021 by mentioning the above said facts, but no action has been taken till date. Therefore, the petitioner, left with no other option, has approached this Court by filing the present petition.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to the respondent Nos.2 and 3 to dispose of the representation of the petitioner.

6. The learned standing counsel for the respondents would state that the representation 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, without advertting to the merits of the case, the respondent Nos.2 and 3 are directed to consider the applications of the petitioner dated 20.01.2021 and 20.02.2021, 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-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



ssb

Note:

WEB COPY

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 Sub Collector,
Madurai District,
Madurai.
- 2.The Tasildhar,
Vadipatti Taluk,
Madurai District.
- 3.The Taluk Surveyor,
Vadipatti Taluk,
Madurai District.

+1 CC to SPL GP (SR-18961[F] dated 07/06/2021)

+1 CC to MR.T.LAJAPATHI ROY, Advocate (SR-18857[F] dated 07/06/2021)

Order made in
W.P (MD) No. 9650 of 2021
04.06.2021

KM(15.06.2021) 3P 6C