



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9097 of 2021

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Ramasamy

... Petitioner
Vs.

- 1.The District Collector,
Pudukottai,
Pudukkottai District.
- 2.The Assistant Director of Survey,
Pudukkottai,
Pudukkottai District.
- 3.The Thasildhar,
Ponnamaravathy,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to direct the third respondent to survey and fix the boundary marks for the petitioner lands in Patta No.4902, Survey Nos.378/6 and its extent of 0.25.50 hectares, situated in Ponnamaravathy East Village, Ponnamaravathy Taluk, Pudukottai District based on the petitioner's application dated 07.10.2020.

For Petitioner : M/s.Palaniyandi.NA
For Respondents : Mr.P.Thillak Kumar,
Standing Counsel for Government

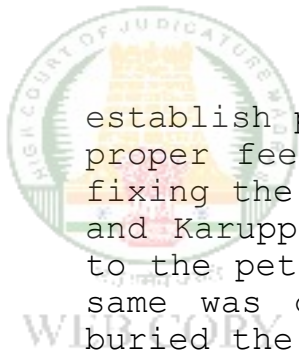
ORDER

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 the first respondent to direct the third respondent to survey and fix the boundary marks for the petitioner land in Patta No.4902, Survey Nos.378/6 and its extent of 0.25.50 hectares, situated in Ponnamravathy East Village, Ponnamaravathy Taluk, Pudukottai District based on the petitioner's application dated 07.10.2020.

4. The case of the petitioner is that he wanted to



establish permanent fence for his aforesaid property and he remitted proper fee to the third respondent on 07.10.2020 for surveying and fixing the boundary marks in his land. In the meantime, one Subbaiah and Karuppaiah, who are the village level heads are making trouble to the petitioner to give a portion of his property to them and the same was denied by the petitioner. The villagers have recently buried the dead body of a child in the petitioner's land. Hence, the petitioner lodged a complaint to the third respondent and no action has been taken by them. Therefore, the petitioner filed a Civil Suit in O.S.No.583 of 2020, before the learned Subordinate Judge, Pudukkottai, seeking permanent injunction and the same is still pending. After receiving summons in the civil case, the defendants threatened the petitioner. The complaint given by the petitioner regarding the threatening also gone into vain. Hence, the petitioner filed a Writ Petition on 11.01.2021, before this Court in W.P.(MD) No.932 of 2021, seeking a relief to prevent the villagers from using the petitioner's land as burial ground. During the pendency of the above Writ Petition, the villagers attempted to bury another dead body in the petitioner's land. By order dated 25.01.2021, this Court allowed the aforesaid Writ Petition, with a direction to the authorities concerned to announce the villagers that henceforth, the petition mentioned land shall not be used as burial ground and that violation of that order will invite adverse consequences. Now, in order to protect his land, the petitioner filed an application along with requisite fee to the third respondent on 07.10.2020 for surveying the property. Since no action has been taken by them, the present Writ Petition came to be filed.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to the respondents 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 and in the light of the facts and circumstances of the case and also considering the fact that the petitioner has already obtained order from this Court in W.P.(MD) No.932 of 2021 to the effect that the authorities are directed to prevent the villagers from treating the petitioner's land as a burial ground any more, the respondents are directed to consider the application of the petitioner dated 07.10.2020, on merits and in accordance with law and take appropriate action, within a period of twelve weeks from the date of receipt of a copy of this order



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

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /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.

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To

1.The District Collector,
Pudukottai,
Pudukkottai District.

2.The Assistant Director of Survey,
Pudukkottai,
Pudukkottai District.

3.The Thasildhar,
Ponnamaravathy,
Pudukkottai District.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-18707[F] dated 03/06/2021)

Order made in
W.P (MD)No.9097 of 2021

02.06.2021

GS (16.06.2021) 3P 5C