



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.10749 of 2021

and

W.M.P.(MD).Nos.8366 of 2021

WEB COPY

S.Veeralakshmi

... Petitioner

Vs.

1. The District Collector,
Collector Office, Virudhunagar,
Virudhunagar District.

2. The Tahsildar,
Taluk Office, Watrap, Virudhunagar District.

3. The Firka Surveyor,
Watrap Taluk, Watrap,
Virudhunagar District.

4.Thulasirajan

5. Nagarajan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, restraining the first to third respondents not to survey and demarcate the boundary of land in S.F.No.1011/1N, 1012, 1013 and 1014/1 in W.Pudhupatti Village, Watrap Taluk, Virudhunagar District, without giving hearing this petitioner.

For Petitioner	: Mr.B.Rajesh Saravanan
For R-1 to R-3	: Mr.R.Suresh Kumar, Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, forbearing the respondents 1 to 3 not to survey and demarcate the subject property without hearing the objections of the petitioner.

2. It is seen from records that the fourth respondent had already approached this Court and filed W.P.(MD).No.8199 of 2021, seeking for the survey of the subject property and to demarcate the boundary. This Court disposed of the said Writ Petition, by order, dated 20.04.2021. The relevant portion in the order is extracted hereunder:-

"8. Taking into consideration the facts and circumstances of the case and without going into the



WEB COPY

merits of the case, there shall be a direction to the second respondent to deal with the representation said to have been given by the petitioner on 08.06.2020 on its own merits and in accordance with law and take a decision with regard to the survey of the subject properties, within a period of six (6) weeks from the date of receipt of a copy of this order. If there are any other interested parties claiming right over the subject property, they shall also be issued with notice and an opportunity shall also be given to them before conducting the survey."

3. The grievance of the petitioner is that even though this Court had directed the respondents 2 and 3 to give an opportunity to all the interested parties before conducting the survey, there is an apprehension that the respondents will proceed further to survey and demarcate the subject property without considering the objection of the petitioner. The petitioner also made a representation / objection in this regard. Left with no other alternative, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.B.Rajesh Saravanan, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents 1 to 3.

5. In the considered view of this Court, there is a clear direction given to the second and third respondents to issue notice to all the interested parties and give them an opportunity before undertaking the survey. Therefore, this Court expects that the second and third respondents will follow these directions scrupulously and will not proceed further to survey the property in a hasty manner. The petitioner has already given the objections and therefore, the second and third respondents will have to be necessarily consider the objections and take a decision before undertaking the survey.

6. The Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



tsg

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,
Collector Office, Virudhunagar,
Virudhunagar District.
2. The Tahsildar,
Taluk Office, Watrap, Virudhunagar District.
3. The Firka Surveyor,
Watrap Taluk, Watrap,
Virudhunagar District.

+1 CC to Mr.B.RAJESH SARAVANAN, Advocate (SR-20524[F] dated 29/06/2021)

+1 CC to SPL GP (SR-20754[F] dated 30/06/2021)

Order made in
W.P. (MD) .No.10749 of 2021
Dated :
29.06.2021

_CN (01.07.2021) 3P 6C