



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**W.P. (MD) .No.10844 of 2021
and W.M.P.MD) .No.8480 of 2021**

R.Manickavasagam

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Assistant Director,
District Land Survey Office,
Collectorate Campus,
Madurai - 625 020.

3.The Tahsildar,
Madurai West Taluk,
23, Theni Main Road,
Fenner Colony,
Virattipathu,
Madurai - 625 010.

4.The Commissioner,
Madurai Corporation,
Anna Maaligai,
Madurai - 625 002.

5.The Town Survey Inspector,
Land Survey Section,
Madurai Corporation,
Anna Maaligai,
Madurai - 625 002.

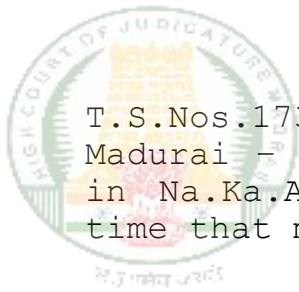
6.S.P.Subburaj

7.S.P.Kannan

8.S.P.Gopinath

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to conduct a detailed enquiry to rectify the FMB error committed in



T.S.Nos.1737 & 1738, situated at Anthoniya Kovil Street, West Gate, Madurai - 1, as per the proceedings initiated by the 2nd respondent in Na.Ka.AA.No.1/2285/2021, dated 29.04.2021, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Kalaiyarasi Bharathi
For Respondents : Mr.M.Lingadurai for R1 to R5
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of Mandamus, directing the third respondent to conduct an enquiry and rectify the FMB with respect to the subject property as per the proceedings initiated by the third respondent, dated 29.04.2021.

2.The case of the petitioner is that he is the owner of the ancestral house situated in T.S.No.1738 to an extent of 1125 sq. ft. The further case of the petitioner is that the adjacent property in T.S.No.1737 was owned by respondents 6 to 8. The grievance of the petitioner is that the respondents 6 to 8 started claiming more extent than what they are entitled to.

3.The petitioner thereafter, verified the FMB sketch and found that the property in T.S.No.1737, in stead of showing an extent of 15 x 28 ft., was shown as 23 x 30 ft. The petitioner, therefore, made representation / application before the second respondent, on 24.04.2021, seeking for the rectification of the FMB. The second respondent in turn had forwarded the same to the third respondent for necessary action. Since the third respondent did not take any action, the present writ petition has been filed before this Court, seeking for appropriate directions.

4.Heard Mr.P.Kalaiyarasi Bharathi, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the R1 to R5.

5.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the third respondent to complete the enquiry after affording opportunity to the petitioner and the respondents 6 to 8, on its own merits and in accordance with law and take a decision within a period of six weeks from the date of receipt of a copy of this order.

6.The petitioner is directed to make a fresh representation to the third respondent along with all relevant documents and also a copy of this order.



7.This writ petition is disposed of with the above directions.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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WEB COPY

/ /2021

Sub Assistant Registrar(CS)

TM

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

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- 5.The Town Survey Inspector,
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+1 CC to M/s.SPL GP (SR-20895[F] dated 01/07/2021)

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