



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15134 of 2021
and W.M.P. (MD) .No.12056 of 2021

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... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.
- 4.The Special Tahsildar (Adi Dravidar Welfare),
Paramakudi Taluk, Ramanathapuram District.
- 5.The Tahsildar (Settlement),
Paramakudi Taluk,
Ramanathapuram District.
- 6.The Commissioner,
Paramakudi Municipality,
Ramanathapuram District.
- 7.The Head Surveyor,
Paramakudi Taluk,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from initiating any coercive step for dispossessing the petitioner from her land in Survey No.2/2B, situating in Gandhi Nagar Village, Ward C, Block No.3, Paramakudi, Ramanathapuram District and consequently to direct the respondent to survey the lands in Town Survey Nos.1/1, 1/2, 2/1, 2/2A and 2/2B in Gandhi Nagar Village, Ward C, Block No.3, Paramakudi, Ramanathapuram District and to demarcate its boundaries and to carry out the extent of each plots in above mentioned survey numbers in the revenue records and the settlement records, within the time limit that may be stipulated by this Court.



For Petitioner : Mr.M.S.Jeyakarthik
For R-1 to R-5 &
R-7 : Mr.P.Subbaraj
Counsel for State

ORDER

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The petitioner seeks a survey of the lands in Town Survey Nos. 1/1, 1/2, 2/1, 2/2A and 2/2B in Gandhinagar Village, Ward C, Block No.3, Paramakudi, Ramanathapuram District.

2. The petitioner states that the Adi Dravidar Welfare Department acquired lands in Survey Nos.1/1, 1/2, 2/1 and 2/2 for providing assignment pattas. As regards the land in Survey No.2/2, according to the petitioner, out of a total extent of 0.86.5 hectares, only 0.26.5 hectares were acquired by the Adi Dravidar Welfare Department. The remaining land of 0.60 hectares was subdivided as Survey No.2/2B. Such land was owned by one Hemalatha from whom the petitioner purchased the same. The petitioner points out that her predecessor in title had made a representation for grant of patta. According to the petitioner, 201 beneficiaries were identified for the grant of assignment pattas. However, the plots that were assigned were not properly demarcated. By drawing reference to the relevant layout scheme, it is contended on behalf of the petitioner that his land lies to the south of such layout and that a 7 metre road lies to the north of the petitioner's property.

3. In these circumstances, the petitioner intends to undertake a survey of the entire land in all the aforesaid mentioned survey numbers so as to clearly demarcate his property.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 5 and 7. He submits, on instructions, that the Tahsildar would carry out a survey within a reasonable time frame.

5. In the above facts and circumstances, the petitioner is entitled to the consideration of her representation for a survey of the property. She has produced the sale deed under which the property bearing Survey No.2/2B was purchased. The proceedings of the third respondent dated 20.06.1992 addressed to the petitioner's predecessor in title are also enclosed.

6. Accordingly, without going into the merits of the matter, the third respondent herein is directed to undertake a survey of the lands in Town Survey Nos.1/1, 1/2, 2/1, 2/2A and 2/2B after putting the petitioner and all other affected parties on notice. Such exercise shall be carried out and completed within a period of four (4) months from the date of receipt of a copy of this order.



7. WP(MD)No.15134 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.12056 of 2021 is closed.

Sd/-

Assistant Registrar (CSII)

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/ /2021

Sub Assistant Registrar(CS)

tsg

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

- 1.The District Collector,
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- 7.The Head Surveyor,
Paramakudi Taluk, Ramanathapuram District.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-27333[F] dated 25/08/2021)

+1 CC to M/s.SPL GP (SR-27401[F] dated 26/08/2021)

W.P (MD) No.15134 of 2021

25.08.2021

DJ(CO)

KB(02.09.2021) 3P 10C

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