



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16693 of 2021

1.Moorthy
2.Amutha
3.Shanthi

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of Adhithiravadar and
Tribal Welfare, Secretariat, Chennai.

2.The District Collector,
Tiruchirappalli.

3.The Assistant Director,
Survey Land and Records
Kalaiyarangam Campus,
Tiruchirappalli.

4.The District Adhithiravadar and
Tribal Welfare Officer,
Collector Office,
Tiruchirappalli.

... Respondents

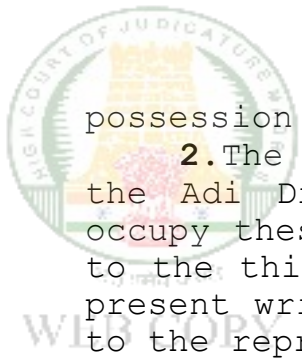
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to take appropriate steps to survey the Rajivi Gandhi Nagar, Tiruchirappalli Town Survey No.21 in Block No.-8, Ward No.T and also demarcate the plots 21/2, 21/4, 21/5 of petitioners house site and also to provide police protection if necessary for the survey measurement on representation submitted by the petitioners on 16.01.2021.

For Petitioners : Mr.S.Muthukrishnan

For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioners are assignees of lands in Aladhur Village, Tiruchirappalli District, bearing original S.F.No.272/1 part. It is stated that the said lands have subsequently been assigned Town Survey No.21/1 to 21/163. The said property was developed as a housing layout by the second respondent by dividing the same into 163 plots. By accepting a representation from persons belonging to the Adi Dravidar Community, the third respondent issued house sites pattas to 57 eligible persons in the year 1983. The petitioners states that they were beneficiaries of such allotment and are in



possession and enjoyment of plot Nos. 21/2, 21/4 and 21/5.

2.The petitioner states that some persons, who do not belong to the Adi Dravidar community, are attempting to encroach upon and occupy these plots. In such circumstances, a petition was submitted to the third respondent to undertake a survey of the property. The present writ petition is filed on account of the failure to respond to the representation dated 16.01.2021.

3.Mr.Selvaganesan, learned counsel for the State accepts notice on behalf of all the respondents. In view of the fact that the relevant properties were assigned to the petitioners or their parents, he submits that the third respondent may be directed to act on the petitioner's representation.

4.The petitioners have enclosed the relevant town survey registers indicating the name of each of the petitioners or their predecessors-in-interest. The Town Survey Field Register in respect of Survey No.21/4 in the name of Amutha, the Town Survey Field Register in respect of Survey No.21/5 in the name of Ammakannu and the Town Survey Field Register in respect of Survey No.21/2 in the name of Marimuthu are enclosed. The death certificate and the legal heirship certificate in respect of the mother of the third petitioner is enclosed. In addition, a settlement deed executed by the first petitioner's father in his favour is also enclosed. On the basis of these documents, the petitioners have made out a case for the issuance of a direction to act on their representation.

5.Accordingly, the third respondent herein is directed to initiate action on the basis of the petitioner's representation dated 16.01.2021. Subject to and conditional upon ascertaining that the relevant house site pattas are in the names of the petitioners or their family members and have not been cancelled, the third respondent shall undertake a survey of Tiruchirapalli Town Survey No.21 so as to demarcate plot Nos.21/2, 21/4 and 21/5. In such regard, the third respondent shall issue notice to assignees of the adjoining plots who may be impacted by the conduct of a survey and the fixation of boundaries. After providing such reasonable opportunity, the entire exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

6.W.P.(MD)No.16693 of 2021 is disposed of on these terms without any order as to costs.

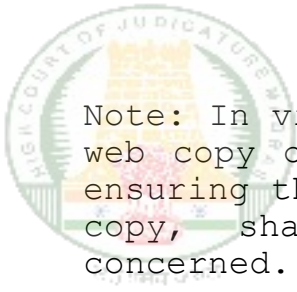
Sd/-

Assistant Registrar (Records)

// 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.

WEB COPY

To

- 1.The Secretary,
Government of Tamil Nadu,
Department of Adhithiravadar and
Tribal Welfare, Secretariat, Chennai.
 - 2.The District Collector,
Tiruchirappalli.
 - 3.The Assistant Director,
Survey Land and Records
Kalaiyarangam Campus,
Tiruchirappalli.
 - 4.The District Adthithiravadar and
Tribal Welfare Officer,
Collector Office,
Tiruchirappalli.
- +1 CC to M/s.SPL. GP (SR-29583[F] dated 20/09/2021)

W.P (MD) .No.16693 of 2021
17.09.2021

RS (27.09.2021) 3P 6C