



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.15123 of 2014
(Through Video Conferencing)

Elephant G.Rajendran

... Petitioner

Vs.

1.The Commissioner
Kumbakonam Municipality
Kumbakonam.

2.The District Collector
Thanjavur District
Thanjavur.

3.The Commissioner
HR&CE
Nungambakkam,
Chennai.

4.The Executive Officer,
A/M.Santhanagopala Krishnaswamy Koil
C/o.A/M.Kasiviswanatha Swamy Temple
Kumbakonam.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to measure the punja land bearing survey No.T.S.No.3/2 an extent of 3 acre 26 cents by properly fixing the boundary stones with the police assistance in the 3 acre 26 cents of the punja land bearing T.S.No.3/2 within a time that may be fixed by this Court.

For Petitioner

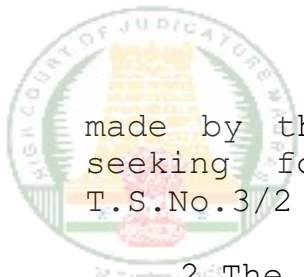
:Mr.Elephant G.Rajendran
Party in person

For Respondents

:Mr.M.Rajarajan for R1
Additional Government Pleader
Ms.M.Rajeswari for R2
Government Advocate
Mr.K.P.Narayanakumar for R3
Special Government Pleader
Mr.T.Chandrasekar for R4

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to act upon the representation



made by the petitioner on 17.10.2013, wherein the petitioner is seeking for the survey of the subject property situated at T.S.No.3/2 measuring an extent of 3 acres and 26 cents.

2.The case of the petitioner is that he is the tenant of the subject property under the 4th respondent and he is paying the rents regularly to the 4th respondent. On an earlier occasion, the entire property was encroached upon by trespassers. The petitioner approached this Court by filing W.P.No.7849/2000. This Court passed an order directing the authorities to remove the encroachment with the assistance of police. Since the same was not considered, the petitioner filed contempt petition in Cont. P. No.409/2004. Pursuant to the filing of the contempt petition, steps were taken to remove the encroachments.

3.The contempt petition was disposed of by an order dated 17.06.2014, wherein, this Court recorded the fact that all the encroachers have been removed and a further direction was given to the respondents not to permit any encroachment to come up again in the property.

4.The grievance of the petitioner is that once again attempts are being made to encroach upon the property and therefore, the petitioner wanted the property to be surveyed and boundaries stones to be fixed. The petitioner made a representation in this regard to the respondents on 17.10.2013. Since the same did not evoke any response, the present writ petition has been filed before this Court for appropriate directions.

5.Heard the petitioner in person and the learned Special Government Pleader, learned Additional Government Pleader, learned Government Advocate and the learned counsel appearing on behalf of the respondents.

6. The petitioner has approached this Court seeking for the survey of the subject property only to ensure that the boundaries are fixed and thereafter if any encroachment takes place, the same can be easily identified.

7. Considering the said submissions made by the petitioner and the previous orders passed by this Court, there shall be a direction to the second respondent to issue appropriate directions to the surveyor to survey the subject property and fix the boundary stones based on the revenue records. The said process shall be completed within six weeks from the date of receipt of a copy of this order.

8. The petitioner is directed to make a fresh representation to the second respondent enclosing all the relevant documents along with a copy of this order.



9. The writ petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// 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.

To

1.The Commissioner
Kumbakonam Municipality
Kumbakonam.

2.The District Collector
Thanjavur District
Thanjavur.

3.The Commissioner
HR&CE
Nungambakkam,
Chennai.

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-16443[F] dated 19/04/2021)

+1 CC to M/s.SPL GP (SR-16506[F] dated 19/04/2021),16291[F]

W.P. (MD)No.15123 of 2014
16.04.2021

ES (CO)

KB(30.04.2021) 3P 6C