



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.20251 of 2021

S.Shanmugasundaram

... Petitioner

Vs.

1.The Commissioner,
Tirunelveli Corporation,
S.N.High Road,
Tirunelveli Town.

2.The Deputy Commissioner,
Tirunelveli Corporation,
Thatchanallur Division,
Madurai Road,
Tirunelveli Junction.

3.The Town Surveyor,
Office of Tirunelveli Corporation,
S.N.High Road ,
Tirunelveli Town.

4.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to survey the lands in Survey No.784/3 now assigned as Ward A, Block 11, T.S.Nos.156, 158, 159, 160, Tirunelveli Corporation and identify the actual road area by earmarking the same and making necessary entries in the town survey register and in respect of the remaining lands direct the respondents to conduct proper survey and change the classification of the lands as public utility and Sarkar Paramboke and incorporate the name of the petitioner as the owner of the lands in the Town Survey Register in Ward A, Block 11, T.S.Nos.156, 158, 159, 160, Tirunelveli Corporation by making necessary entries in the Town survey land register, on the basis of the petitioner's representation dated 20.09.2021.



For Petitioner : Mr.P.Suresh

For Respondents 3 & 4 : Mr.S.Shanmugavel
Additional Government Pleader

For Respondents 1 & 2 : Mr.Aayiram K.Selvakumar
Standing Counsel

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The writ petition has been filed in the nature of Mandamus seeking direction against the respondents, particularly, respondents 1 and 2 / Commissioner, Tirunelveli Corporation and the Assistant Commissioner who has been wrongly shown as Deputy Commissioner of Tirunelveli Corporation to examine the land in Survey Nos.784/3 now in T.S.Nos.156, 158, 159, 160, Tirunelveli Corporation and to identify the actual road area by earmarking the same and for this purpose to conduct a survey over the lands by a Town Surveyor, who is shown as third respondent to assist the fourth respondent / Tahsildar, Tirunelveli Town.

3.The petitioner claims that the entire lands have been divided pursuant to a partition among the family members of the petitioner and the land allotted to the petitioner in Survey No.784/3 was converted as Plot No.189-195. The said plots were shown as residential area and also for putting up commercial building. These lands are now in Town Survey Nos. 156, 158, 159 and 160. It is stated that in the Town Survey records, the lands have been classified as 'Sarkar Poromboke'. The petitioner claims that such classification has been done without reference to either the earlier holdings of the petitioner or to the partition entered into among the family members of the petitioner or with respect to the earlier nature of the land in the village records. The representation in this regard has been given by the petitioner on 20.09.2021.

4.It is contended by the learned counsel for the respondents 1 and 2 that it would be in the interest of the petitioner that he forwards the representation once again enclosing all required documents to the Assistant Commissioner, who has been shown as Deputy Commissioner in the writ petition as second respondent, who after examining the representation and documents would necessarily have to refer it to the District Revenue Officer, who is the competent authority to examine the request made by the petitioner herein.



5.It is to be noted that the District Revenue Officer is not a party to the writ petition. However, let the petitioner herein make a fresh representation, enclose all relevant records and forward the same in person either by himself or through an authorised representative to the Assistant Commissioner, Tirunelveli Corporation, Thatchanallur Division, Madurai Road, Tirunelveli Junction, on or before 03.12.2021 and thereafter, on examination of those documents, let the Assistant Commissioner forward the same for further examination by the District Revenue Officer, on or before 17.12.2021 and a direction is placed on the District Revenue Officer to pass final orders and if required after enquiring the petitioner or anybody else on or before 31.01.2022.

6.With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Tirunelveli Corporation,
S.N.High Road,
Tirunelveli Town.

2.The Deputy Commissioner,
Tirunelveli Corporation,
Thatchanallur Division,
Madurai Road,
Tirunelveli Junction.

3.The Town Surveyor,
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S.N.High Road ,
Tirunelveli Town.



4.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-34562[F] dated 16/11/2021)

+1 CC to M/s.A. MOHAN, Advocate (SR-34546[F] dated 16/11/2021)

W.P(MD)No.20251 of 2021

15.11.2021

RK(26/11/2021) 4P 7C