



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2533 of 2022

WEB COPY

Adaikkalam

... Petitioner

Vs.

1.The Director,
Survey and Settlement Records,
Chepauk, Chennai.

2.The District Collector,
Trichy District, Trichy.

3.The Thasildar,
Marungapuri Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to delete the pathway made in FMB in Survey No.173/4 to an extent of 9.00 ares situated at Palakurichi Village, Marungapuri Taluk, Trichy District, based on the petitioner's representation dated 5.1.2022.

For Petitioner : Mr.A.Vadivel
For Respondents : Mr.T.Amjad Khan
Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to delete the reference to a pathway mentioned in the FMB sketch in respect of Survey No.173/4 to an extent of 9.00 ares situate at Palakurichi Village, Marungapuri Taluk, Trichy District based on the petitioner's representation dated 05.01.2022.

2.According to the petitioner the aforementioned land is not a pathway as mentioned in the FMB sketch but it is absolutely owned by the petitioner and he is carrying on agricultural activities. In such circumstances, he has given a representation on 05.01.2022 seeking for deletion of the reference to pathway in the FMB sketch which according to him has not been considered till date. In such circumstances, this writ petition has been filed.



3. Heard Mr.A.Vadivel, learned Counsel for the writ petitioner and Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of the respondents.

4. The relief sought for by the writ petitioner is an innocuous one. No prejudice would be caused to the respondent if the petitioner's representation is considered on merits and in accordance with law. The petitioner has also filed the patta standing in the name of the petitioner's father and himself with regard to the aforementioned property in the typed set of papers which does not show any pathway. Admittedly, the petitioner's representation dated 05.01.2022 has not been considered by the respondents till date.

5. In the aforementioned circumstances, this Court directs the third respondent to consider the petitioner's representation dated 05.01.2022 seeking for deletion of the pathway in the FMB sketch in Survey No.173/4 to an extent of 9.00 ares situated at Palakurichi Village, Marungapuri Taluk, Trichy District and pass orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, the writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

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 Director,
Survey and Settlement Records,
Chepauk, Chennai.



2.The District Collector,
Trichy District,
Trichy.

3.The Thasildar,
Marungapuri Taluk,
Trichy District.

+1 CC to M/s.SPL GP (SR-5055[F] dated 09/02/2022)

+1 CC to M/s.A.VADIVEL, Advocate (SR-4831[F] dated 08/02/2022)

ORDER MADE IN
W.P. [MD]No.2533 of 2022
08.02.2022

sr(CO)
TR(21.02.2022) 3P 6C