



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3383 of 2022

G.John Gabriel

.. Petitioner

Vs

1.The District Collector,
Collector Office,
Madurai Road,
Theni, Theni District.

2.The Revenue Divisional Officer,
Collector Office,
Madurai Road,
Theni, Theni District.

3.The Tahsildar,
Taluk Office,
Bodi, Theni District.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to carry out the survey of the dry lands which stands in the name of the petitioner's mother Philomina Gabriel in S.Nos.578/1A, 1B, 2A, 2B, 3 and 526/3 measuring to an total extent of 4.51.0 hectares situated at Rasingapuram Village, Bodi Taluk of Theni District, based on the representation of the petitioner, dated 10.12.2021.

For Petitioner : Mr.K.Safar Badhusha

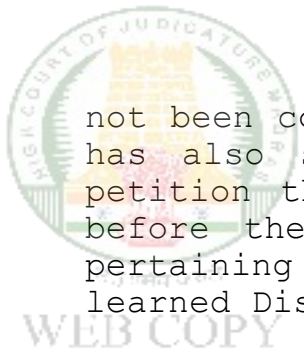
For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to carry out the survey of the dry lands which stands in the name of the petitioner's mother namely Philomina Gabriel in S.Nos.578/1A, 1B, 2A, 2B, 3 and 526/3 measuring to an total extent of 4.51.0 hectares situated at Rasingapuram Village, Bodi Taluk of Theni District, based on the representation of the petitioner, dated 10.12.2021.

2.It is the case of the petitioner that his mother namely Philomina Gabriel, is the absolute owner of the aforementioned property. She has sent a representation on 10.12.2021 to the respondents requesting them to survey and demarcate the boundaries for the above mentioned properties. Since the representation has



not been considered till date, he has filed this writ petition. He has also stated in the affidavit filed in support of the writ petition that the suit filed by M/s.Amarkanthak Farm (P) Limited, before the District Munsif Court, Bodinayakanur, Theni District, pertaining to the aforementioned property was dismissed by the learned District Munsif, on 16.04.2021.

3.Heard Mr.K.Safar Badhusha, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents.

4.On instructions, the learned Government Advocate appearing for the respondents would submit that the charges paid for survey was made by one Thangadurai.G and not by the petitioner and therefore, survey cannot be done, based on the request made by the petitioner. The learned counsel for the petitioner would submit that the said Thangadurai.G is none else than the care taker of the petitioner, who is a permanent resident of Kerala. The said statement is recorded.

5.No prejudice will be caused to the respondents, if the petitioner's lands are surveyed and boundaries demarcated after giving notice to the petitioner as well as Mr.Thangadurai.G as well as any other rival claimant.

6.For the foregoing reasons, this Court directs the third respondent to survey and demarcate the boundaries pertaining to the property owned by the mother of the petitioner namely Philomina Gabriel in S.Nos.578/1A, 1B, 2A, 2B, 3 and 526/3 measuring to an total extent of 4.51.0 hectares situated at Rasingapuram Village, Bodi Taluk of Theni District, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the petitioner will have to produce documentary evidence in support of his contention that his mother Philomina Gabriel is the owner of the aforementioned properties to the third respondent. The third respondent shall survey and demarcate the boundaries after giving prior notices to the petitioner, Thangadurai.G and any other rival claimant.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Deputy Registrar (LA&MC)

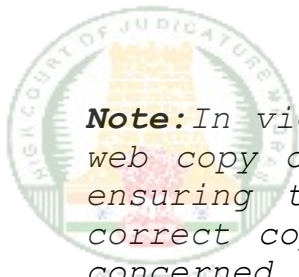
// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

<https://hcservices.ecourts.gov.in/hcservices/>



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 District Collector,
Collector Office,
Madurai Road,
Theni, Theni District.
- 2.The Revenue Divisional Officer,
Collector Office,
Madurai Road,
Theni, Theni District.
- 3.The Tahsildar,
Taluk Office,
Bodi,
Theni District.

+1 CC to M/s.SPL GP (SR-8343[F] dated 24/02/2022)

W.P. (MD)No.3383 of 2022
23.02.2022

_RD(11.03.2022) 3P 5C