



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3571 of 2022
and W.M.P. (MD).No.3121 of 2022

P.Mariyammal

.. Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.The Block Development Officer,
Paramakudi,
Ramanathapuram District.

4.The Head Surveyor,
Taluk Office,
Paramakudi Taluk,
Ramanathapuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 4 to demarcate the property comprised in Survey No.339/1, measuring about 2.5 cents situated at Maruchukatti Village, inner Taluk of (2) Melaparthibanoor Group, Paramakudi Taluk, Ramanathapuram District, by conducting resurvey in the presence of the 3rd respondent and to determine the boundaries relating to the said property by following due process of law based on the petitioner's representation, dated 19.01.2022, submitted to the respondents herein persons within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.D.Sasikumar for R1, R2 & R4
Additional Government Pleader

Mr.S.P.Maharajan for R3
Special Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 and 4 to demarcate the property comprised in Survey No.339/1, measuring an extent of 2.5 cents situated at Maruchukatti Village, inner Taluk of (2) Melaparthibanoor Group, Paramakudi Taluk, Ramanathapuram District, by conducting resurvey in the presence of the 3rd respondent and to determine the boundaries relating to the said property by following due process of law based on the petitioner's representation, dated 19.01.2022, submitted to the respondents herein within a time frame to be fixed by this Court.

2.The petitioner claims that she is the owner of the aforementioned property. It is the case of the petitioner that earlier the property was surveyed in the presence of the fourth respondent and thereafter, the barbed wire has been put up in the petitioner's property after the demarcation of the boundaries. It is her case that now the third respondent has interfered with the peaceful possession and enjoyment of the property claiming that she has made certain encroachments. She has given a representation on 19.01.2022, seeking for re-survey of the land in the presence of the third respondent. Since the representation has not been considered till date, she has filed this writ petition.

3.Heard Mr.B.Prahalad Ravi, learned counsel for the petitioner, Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1, 2 and 4 and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the third respondents.

4.No prejudice will be caused to the respondents, if the petitioner's request for re-survey is accepted. However, the same will have to be done in the presence of the third respondent as according to the petitioner, he has raised objection with regard to the petitioner's ownership as according to the third respondent a portion of the land has been encroached by the petitioner.

5.Accordingly, this Court directs the fourth respondent to conduct re-survey of the property comprised in S.No.339/1 measuring about 2.5 cents situated at Maruchukatti Village, inner Taluk of (2) Melaparthibanoor Group, Paramakudi Taluk, Ramanathapuram District, in the presence of the petitioner and the third respondent and after the re-survey, if the second and fourth respondents found any encroachment being made by the petitioner, the third respondent shall take action against the petitioner for removal of the encroachment in the manner known to them under law. The second and fourth respondents are directed to complete the re-survey, within a period of twelve weeks from the date of receipt of a copy of this order.



6.The learned counsel for the petitioner on instructions would submit that the petitioner is prepared to pay the necessary charges for conducting re-survey. The said statement is recorded.

7.Till the re-survey is conducted, status quo shall be maintained by the third respondent. The petitioner shall co-operate with the respondents for conducting re-survey in terms of today's order.

8.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

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 District Collector,
Ramanathapuram District,Ramanathapuram.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.The Block Development Officer,
Paramakudi,Ramanathapuram District.

4.The Head Surveyor,
Taluk Office,Paramakudi Taluk,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-8688[F] dated 25/02/2022)

+1CC to M/s.B.PRAHALAD RAVI, Advocate (SR-8866[F] dated 25/02/2022

W.P. (MD)No.3571 of 2022
4.02.2022

TM

MS/23.03.2022/3P.7C