



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.8244 of 2022

1.N.Nachimuthu Goundar

2.N.Rajamani

... Petitioners

Vs.

1.The District Collector,
Collectorate,
Dindigul.

2.The Tahsildar,
Taluk Office,
Oddanchatram,
Dindigul District.

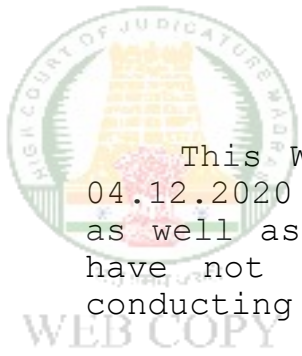
3.The Taluk Surveyor,
Taluk Office,
Oddanchatram,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent dated 04.12.2020 in Na.Ka.No.4440/2020/S and quash the same as illegal and further direct the second respondent to survey the petitioner's land bearing Survey Nos.1426/2A and 1426/2B total extension 11.5 acres, situated at Kallimandhanam Village, Dindigul District within the time stipulated by this Court.

For Petitioners : Mr.G.Rajaraman

For Respondents : Mr.T.Amjad Khan,
Government Advocate.



ORDER

This Writ Petition has been filed challenging the order dated 04.12.2020 passed by the second respondent directing the petitioners as well as the rival claimants to approach the Civil Court as they have not co-operated with the second respondent for effectively conducting the survey.

2. The second respondent has also informed in the impugned order that law and order problem will be created due to the non-cooperation of the petitioners as well as the rival claimants. The petitioners have challenged the impugned order on the ground that the petitioners have always been ready and willing to co-operate with the survey, but arbitrarily and illegally, the impugned order has been passed as if the petitioners are not co-operating with the survey. The petitioners are ready and willing to co-operate with the survey, as and when conducted and they seek for police assistance.

3. The learned Government Advocate appearing for the respondents, on instructions, would submit that only due to the non-cooperation of the petitioners as well as the rival claimants, the survey could not be conducted. He would further submit that the second respondent is willing to conduct the survey, provided the petitioners and the rival claimants co-operate for the effective conduct of the survey and demarcation of boundaries. Learned counsel for the petitioners submits that the petitioners are willing to co-operate.

4. No prejudice would be caused to the respondents, if the impugned order is quashed and the matter is remanded back to the second respondent to enable him to conduct survey with the assistance of the third respondent and the police in respect of the property bearing Survey Nos.1426/2A and 1426/2B measuring a total extent of 11.5 acres situated at Kallimandhanam Village, Dindigul District in the presence of the petitioners as well as the rival claimants, Mr.Nachimuthu and Mr.Karuppanan.

5. For the foregoing reasons, the impugned order dated 04.12.2020 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent. The second respondent is directed to conduct survey and demarcate the boundaries in the property comprised in Survey Nos.1426/2A and 1426/2B measuring a total extent of 11.5 acres situated at Kallimandhanam Village, Dindigul District in the presence of the petitioners as well as the rival claimants, namely, Mr.Nachimuthu and Mr.Karuppanan with the assistance of the third respondent as well as after obtaining police assistance from the concerned police station within a period of twelve (12) weeks from the date of receipt of a copy of this order. The necessary charges for the survey and demarcation will have to be paid by the petitioners to the second respondent.



6. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Collectorate,
Dindigul.

2.The Tahsildar,
Taluk Office,
Oddanchatram,
Dindigul District.

3.The Taluk Surveyor,
Taluk Office,
Oddanchatram,
Dindigul District.

+1 CC to M/s.G. RAJARAMAN, Advocate (SR-21579[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP. (SR-22085[F] dated 28/04/2022)

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MGJ(24.05.2022) 3P 6C