



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.9192 of 2022

and

W.M.P. (MD)No.6562 of 2022

- 1.Maniyan
- 2.Ganesan
- 3.Devadoss
- 4.Palanichamy
- 5.Gururaj

... Petitioners

Vs.

- 1.The Revenue Divisional Officer,
Illupur,
Pudukkottai District.

- 2.The Tahsildar,
Illupur Taluk,
Pudukkottai District.

- 3.The Firka Surveyor,
Sithannavasal Firka,
Illuppur,
Pudukkottai.

... Respondents

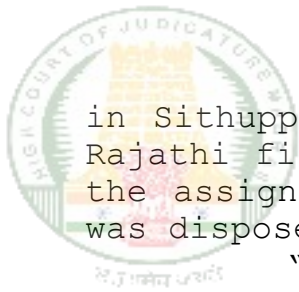
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioners' objection before taking survey No.100/23 situated at Sithuppatti Colony, Keelakurichi Post, Illupur Taluk, Pudukkottai District and consider the petitioners' representation dated 26.04.2022.

For Petitioners : Mr.A.Vadivel

For Respondents : Mr.M.Sarangan,
Addl. Government Pleader

ORDER

The petitioners seek consideration of their objection before the petition mentioned survey is conducted. It appears that the petitioners are residing in the petition mentioned survey number. One Rajathi was assigned 10 ares of land in S.Nos.100/23 and 100/26



in Sithuppatti Colony, Keelakurichi Post, Illupur Taluk. The said Rajathi filed W.P.(MD)No.4056 of 2022 for surveying and demarcating the assigned land. Vide order dated 07.03.2022, the writ petition was disposed of with the following directions:-

"5.Accordingly, this Court directs the second respondent to conduct the survey and demarcate the boundaries in respect of the petitioner's properties comprised in S.F.No.100/23 with an extent of 10.50 Ares and S.F.No.100/26B, with an extent of 20 Ares of Punja Lands situated in Vilathupatti Revenue Village, Illuppur Taluk, Pudukottai District, with the assistance of the third respondent, within a period of twelve weeks from the date of receipt of a copy of this order, after giving notice to the petitioner and other rival claimants, if any."

2.The directions given by this Court itself indicates that if there is any rival claimant, they should be put on notice. Therefore, no exception can be taken to the writ prayer. Therefore, the Tahsildar, Illupur Taluk, is directed to consider the petitioners' objections before conducting the survey exercise. If the petitioners prevent the conducting of the survey, the jurisdictional police will ensure that the survey exercise is conducted peacefully. If it is found that the petitioners are residing within the boundaries of the land assigned in favour of Rajathi, that would not mean that the petitioners can be evicted summarily. This Court vide order dated 07.03.2022 in W.P.(MD) No.4056 of 2022 has only given a direction for conducting survey and demarcation of the boundaries alone. This direction will not be misconstrued so as to summarily evict the petitioners herein.

3.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To:

1.The Revenue Divisional Officer,
Illupur,
Pudukkottai District.



2.The Tahsildar,
Illupur Taluk,
Pudukkottai District.

3.The Firka Surveyor,
Sithannavasal Firka,
Illuppur,
Pudukkottai.

+1 CC to M/s.A. VADIVEL, Advocate (SR-27352[F] dated 22/06/2022)

+1 CC to M/s.SPL.GP (SR-27413[F] dated 22/06/2022)

W.P (MD) No. 9192 of 2022
21.06.2022

MGJ(01.07.2022) 3P 6C