



W.P.(MD) No.11737 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.11737 of 2021

V.Chelladurai

... Petitioner

-Vs-

1.The District Collector,
Collectorate, Thoothukudi District.

2.The Tahsildar,
Kayathar Taluk Office,
Thoothukudi District.

3.The District Surveyor,
District Surveyor Office,
Collectorate Campus,
Thoothukudi District.

... Respondents

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WEB CONTENT

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to conduct survey and fix the boundary marks on the Government Poramboke Harijana Natham situated in Survey No.340/1A in an extent of 4 Acre 3 Cents (1.63.50 Ares) in Indra Colony, Veappankulam Village, Kayathar Taluk, Thoothukudi District based on the petitioner's representation dated 30.03.2021 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to conduct a survey and fix boundary marks on the Government Poramboke Harijana Natham situated in Survey No.340/1A to an extent of 4 Acre 3 Cents (1.63.50 Ares) in Indra Colony, Veappankulam Village, Kayathar Taluk, Thoothukudi District, based on the petitioner's representation dated 30.03.2021 within a time frame.

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2.The petitioner claims that the aforementioned survey number has been classified as Government Poramboke Harijana Natham land in the revenue records and it has been earmarked for formation of park, common pathway and library for the villagers. However, some private parties had encroached the land in question and constructed houses by restricting the extent of the common pathway. In this regard, the petitioner made a representation on 12.10.2020 to the authorities concerned and finding inaction thereon, he filed W.P.(MD)No.16877 of 2020, wherein this Court recording the communication of the 2nd respondent dated 25.11.2020 to the effect that encroachments have been identified in the place in question and steps are being taken to remove the same, by order dated 27.11.2020 had disposed of the said Writ Petition, directing the authorities concerned to remove the encroachment by due process of law within a period of twelve weeks. It is the grievance of the petitioner that despite the said order of this Court, the authorities concerned had not taken any action. Hence, he again made a representation dated 30.03.2021 to the respondents to conduct a survey and fix boundary marks in the land in question and finding no heed to it was paid, he has filed this Writ Petition.

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3.The learned Additional Government Pleader for the respondents submitted that the representation of the petitioner dated 30.03.2021 would be considered on merits and a fresh survey in the land in question would be conducted on payment of necessary charges by the petitioner and then appropriate action would be taken for removal of any encroachment in the place in question if any, by due process of law, for which, the learned counsel for the petitioner is agreeable.

4.In view of the above, without going into the merits of the case, this Court directs the petitioner to pay necessary charges for conducting a survey in the land in question within a period of one week from the date of receipt of a copy of this order. On such payment, the authorities concerned are directed to conduct a survey in the land in question in the presence of the petitioner as well as any other interested parties, after issuing notice to them and if the survey reveals any encroachment, the same shall be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of three (3) weeks thereafter.

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5.With the above direction, this Writ Petition stands disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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To

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