



W.P(MD)No.16993 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16993 of 2022

O.Senduraja

... Petitioner

Vs.

1.The Tahsildar,
Usilampatti Taluk,
Usilampatti,
Madurai District.

2.The Firka Surveyor,
Usilampatti Firka,
Usilampatti,
Madurai District.

3.The Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti,
Madurai District.

4.The President,
Mekkilarpatti Village,
Usilampatti Panchayat Union,
Madurai District.

... Respondents

*(R4 is suo motu impleaded vide order dated
01.08.2022 in W.P.(MD)No.16993 of 2022 by GRSJ)*

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



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survey and fix boundaries of agricultural land to an extent of 64 cents situated in Survey No.108/1A of Mekkilarpatti Village, Usilampatti Taluk, Madurai District as per the Partition deed doc.No.898/2011 dated 16.03.2011, on the file of the Sub-Registrar, Usilampatti as well as patta issued by the respondent in patta No.985 based on the petitioner representation and fee remittance receipt dated 19.04.2022 to the 1st respondent and thereby direct the 3rd respondent to provide police protection on the date of survey within the time limit that may be stipulate.

For Petitioner : Mr.S.P.Naveenkumar

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
Mr.S.Ramsundarvijayraj for R4.

ORDER

Heard the learned counsel on either side.

2.The petitioner wants the petition mentioned land to be surveyed.

3.When the matter was taken up for hearing, the learned counsel for the impleaded respondent submitted that the land in question is actually a poramboke land and that patta was wrongly issued in favour of the writ petitioner. It appears that the fourth respondent had already given a petition for



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cancelling the said patta. If not given to proper authority, the fourth respondent is given permission to submit a fresh petition for cancellation. The competent authority before whom the objection is proposed to be given or has already been given, shall pass order on the said request after issuing notice to the writ petitioner herein. If the fourth respondent's petition for cancellation is rejected then survey can go on. If the fourth respondent's request is accepted and the petitioner's patta is cancelled, then obviously the survey exercise will not be undertaken. Subject to the outcome of said proceedings, the petitioner's request for survey will be decided. The fourth respondent agrees to submit a fresh petition for cancellation within a period of one week from the date of receipt of a copy of this order. The competent authority shall take a call thereon within a period of eight weeks thereafter.

4.The writ petition is disposed of accordingly. No costs.

01.08.2022

Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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**01.08.2022
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