



W.P(MD)No.9735 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9735 of 2014

and

M.P(MD)Nos.1 & 2 of 2014

S.S.Seeni

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The Commissioner,
Rajapalayam Municipality,
Virudhunagar District.

3.Krishnamoorthy @ Ayyanar

4.P.Ramamoorthy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to re-survey the field and to prepare the correct and perfect filed map for Town Survey No.21 in Ward-B, Block-3, Rajapalayam to consider the petitioner's representation dated 09.06.2014.



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For Petitioner : Mr.R.S.T.Ravanan @ Ramasubramanian
For R1 : Mr.A.Sivanupandian
Government Advocate
For R2 : Mr.N.Dilip Kumar
For R3 & R4 : Mr.A.Hajamohideen

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the 2nd respondent to conduct re-survey and prepare a correct and perfect field map for T.S.No.21.

2. According to the learned counsel for the petitioner, T.S.No.21 in 2nd respondent Municipality has already been subdivided into T.S.No. 21/11, which belongs to the 4th respondent and T.S.No.21/10, which belongs to the writ petitioner. Though the subdivision has been effected, according to the learned counsel for the petitioner, the measurements in the subdivision relating to T.S.No.21/11 do not reflect the measurements in title deeds of the 4th respondent herein. Hence, according to the learned counsel for the petitioner, unless a resurvey is conducted as per the document of the 4th respondent, namely Doc.No.2646/1974, dated



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30.12.1974, correct measurements cannot be assigned to T.S.No.21/11.

Hence, the present writ petition.

3. The learned counsel appearing for the 4th respondent herein submits that already measurements have been properly made. Hence, it is not necessary to conduct a re-survey.

4. The learned counsel appearing for the 2nd respondent relied upon a communication, dated 06.09.2005 and contended that measurements could not be effected in view of the fact that there are no separate subdivisions in T.S.No.21. The learned counsel for the 2nd respondent also relied upon a communication, dated 15.07.2009 issued by the Assistant Director of Survey and Settlement to the effect that the measurements have been recorded only excluding the pathway. Hence, he has also contended that no further re-survey would be required.

5. I have carefully considered the submissions made on either side.

6. The petitioner has come out with a specific case that the proper measurments have not been assigned to T.S.No.21/11, which belongs to



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the 4th respondent herein. According to the writ petitioner, the measurements that are already recorded are not in consonance with the sale deed in favour of the 4th respondent, namely Doc.No.2646 of 1974, dated 30.12.1974. Since it is a registered document in favour of the 4th respondent herein, I do not find that the 4th respondent would have got any objection whatsoever to conduct a re-survey.

7. In view of the above said facts, the 2nd respondent is directed to conduct a re-survey for T.S.No.21/10 and 21/11 and assign proper measurements for the same in accordance with the sale deed in Doc.No. 2646/1974, dated 30.12.1974.

8. With the above said observations, this Writ Petition stands allowed. No costs.

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Index : Yes / No
Internet : Yes / No
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To
The District Collector,
Virudhunagar District.



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R.VIJAYAKUMAR ,J.

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