



W.P.(MD)No.22442 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22442 of 2022

Kadarkarai, S/o.Late.Sankarapandi Konar

.. Petitioner

Versus

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Tahsildar,
V.K.Pudur Taluk,
Tenkasi District.

3.The Head Surveyor,
V.K.Pudur Taluk,
Tenkasi District.

4.The Superintendent of Police,
Tenkasi District,
Tenkasi.

5.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.

6.Padithurai, S/o.Subbiah Konar

7.Suresh, S/o.Subbiah Konar

8.Subbiah Konar, S/o.Pandi Konar

9.Rajammal, W/o.Subbiah Konar

10.Chokkiah, S/o.Madasamy Konar

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying

<https://www.mhc.trn.gov.in/judis> for issuance of a Writ of Mandamus, to direct the third respondent to survey



W.P.(MD)No.22442 of 2022

the lands, measuring an extent of 0.0038 Ares in S.No.761/13 and 0.0087 Ares in S.No.761/18 of Palapathiraramapuram Village, V.K.Pudur Taluk, Tenkasi District, on the basis of the petitioner's representation, dated 16.09.2022.

For Petitioner : Mr.M.Sankar
For Respondents 1 to 3 : Mr.D.Sadiq Raja
Additional Government Pleader
For Respondents 4 & 5 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the third respondent to survey the lands, measuring an extent of 0.0038 Ares in S.No.761/13 and 0.0087 Ares in S.No.761/18 of Palapathiraramapuram Village, V.K.Pudur Taluk, Tenkasi District, on the basis of his representation, dated 16.09.2022.

2.Heard Mr.M.Sankar, learned counsel appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader and Mr.B.Thanga Aravindh, learned Government Advocate (Crl. side), who takes notice for the respondents 1 to 3 and 4 and 5 respectively. By consent of learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.



W.P.(MD)No.22442 of 2022

3. According to the petitioner, the above said properties are belonging to his father namely Late. Sankarapandi Konar. The petitioner is paying electricity service charges and property tax in his father's name. While so, the respondents 6 to 10 are trying to construct a building, blocking the pathway of the petitioner's property. The petitioner requested them not to construct any building, blocking the pathway leading to his house. But, without hearing the same, they made life threat to the petitioner. Therefore, the petitioner made a complaint before the fifth respondent Police. The police authorities advised both of them to survey the disputed portion of land. But, the respondents 6 to 10 without hearing the advice of the respondent Police, started construction works in the said portion of land. Therefore, the petitioner made an application along with requisite fees to survey the said land. However, no action has been taken by the third respondent so far. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra. Further, according to the petitioner, he was given assignment Patta in No.A1/35/2016.

4. Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the third respondent to survey the lands measuring an extent of 0.0038 Ares in S.No.761/13 and S.No. 761/18, measuring an extent of 0.0087 Ares, situated at Palapathiraramapuram



W.P.(MD)No.22442 of 2022

Village, V.K.Pudur Taluk, Tenkasi District, and find out whether there is any pathway to approach the petitioner's lands.

5.This Writ Petition is disposed of with the above direction. No costs.

Index : Yes/No

23.09.2022

To

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Tahsildar,
V.K.Pudur Taluk,
Tenkasi District.
- 3.The Head Surveyor,
V.K.Pudur Taluk,
Tenkasi District.
- 4.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 5.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.(MD)No.22442 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD) No.22442 of 2022