



W.P.(MD)No.5697 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.5697 of 2020

Pandiammal

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti, Madurai District.

3.The Tahsildar,
Usilampatti Taluk,
Madurai District.

4.The Taluk Surveyor,
Usilampatti Taluk Office,
Madurai District.

5.The Inspector of Police,
Checkanurani Police Station,
Madurai District.

6.Durairaj

7.Nagaraj

8.Kannan

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to survey the petitioner's land comprised in Survey Nos.39/2A and 38/5, to an extent of 7641 Square Feet (17 ½ Cents), situated at Kannanur Village, Checkanurani Sub Registration Office, Madurai District, mark the boundaries with the protection of the fifth respondent and to issue separate patta in the name of the petitioner.

For Petitioner : Mr.A.Jayaramachandran

For R-1 to R-4 : Mr.A.K.Manikkam,
Special Government Pleader

For R-5 : Mr.R.Sivakumar,
Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the third respondent to survey the property belonging to the petitioner and to mark the boundaries and to issue separate patta in the name of the petitioner.

2. When the Writ Petition came up for admission on 19.03.2020, this Court passed the following order:

*“Mr.S.Angappan, learned Government
Advocate takes notice for the First to Fifth*



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Respondents.

2. Notice to the Sixth to Eight Respondents returnable by 29.04.2020. Private notice is also permitted.

3. Learned Government Advocate appearing for the First to Fifth Respondents, on instructions, states that enquiry has been fixed at 11.30 a.m. on 30.03.2020 before the Third Respondent on the representation dated 28.02.2020 made by the petitioner and that notice would be issued to all parties concerned including the petitioner for the same.

4. The Third Respondent shall file a report on the outcome of the action taken in this regard, on the next hearing.

Post the matter on 29.04.2020.”

3. When the matter was taken up for hearing, it is brought to the notice of this court that no enquiry was conducted by the third respondent on the request made by the petitioner and the *stauts-quo* continues.



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4. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for respondent Nos.1 to 4 and the learned Government Advocate (Criminal Side) appearing for the fifth respondent.

5. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the third respondent to call the petitioner and respondent Nos.7 and 8 for an enquiry and decide upon the request made by the petitioner for survey of the land and for issuance of patta, on its own merits and in accordance with law. A decision shall be taken by the third respondent within a period of eight (8) weeks from the date of receipt of a copy of this order. The conducting of survey in the subject property will depend upon the decision to be taken by the third respondent on the application submitted by the petitioner. The petitioner is directed to make a fresh representation along with all the relevant documents and also a copy of this order to the third respondent.



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6. This Writ Petition is disposed of with the above direction.

No costs.

04.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

tsg

To

- 1.The District Collector,
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Madurai.
- 2.The Revenue Divisional Officer,
Usilampatti, Madurai District.
- 3.The Tahsildar,
Usilampatti Taluk,
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- 4.The Taluk Surveyor,
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N.ANAND VENKATESH, J.

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