



W.P.(MD)No.18029 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.18029 of 2021

Alagu Sundarapandian

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Deputy Superintendent of police,
Thiruchuli, Virudhunagar Distric.
- 4.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
- 5.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 6.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.



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7.The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

8.The Head Surveyor,
Thiruchuli Taluk,
Virudhunagar District.

9.The Village Administrative Officer,
Village Administrative Office,
Illuppaiyur Village,
Thiruchuli Taluk,
Virudhunagar District.

10.Akkiniraj

11.Gurusamy

12.Subramani

13.Subramani

14.Chithiravel

15.Akkini

16.Karuthapandi

17.Maharaja

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 7 and 8 to survey the land in S.No.241/1 measuring an extent of 0.24.00 hectares situated at Velanoorani Village, Thiruchuli Taluk, Virudhunagar District at that time the fourth respondent by giving police protection on the basis of the representation dated 19.09.2021.



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For Petitioner : Mrs.V.Jeyarani
For Respondents : Mr.D.Ghandiraj,
Special Government Pleader
for R1 to R9
Mr.T.Antony Arulraj
for R10 to R17

ORDER

The above writ petition is filed for a mandamus directing the respondents 7 and 8 to survey the land in S.No.241/1 measuring an extent of 0.24.00 hectares situated at Velanoorani Village, Thiruchuli Taluk, Virudhunagar District.

2. It is the case of the petitioner that the above property belonged to his ancestors and, at present, he has been enjoying the same and some other properties by way of Will. Patta has also been transferred in his name under Patta No.1886. The petitioner would submit that the neighbours are attempting to occupy his land which is a vacant land. Therefore, he has remitted necessary fees to the revenue officials on 16.03.2020 to survey the land with the necessary documents. Since no



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action was taken, he sent another representation to the seventh respondent on 16.06.2021. Even thereafter, no steps were taken, which constrained the petitioner to file W.P.(MD)No.10765 of 2021 before this Court. By orders dated 29.06.2021, this Court had directed the seventh respondent herein to conduct the survey based on the documents and complete the process within a period of four weeks. Pursuant to the order, the land was surveyed on 19.07.2021 after giving due notice to the adjacent land owners. However, once the revenue officials had left the place, all the boundary sticks fixed by them were removed by the respondents 10 to 17. Once again, the land was surveyed and stones were fixed. However, when half the area was surveyed, the Police Constables have moved out and once against the respondents 10 to 17 had indulged in removing the markings. Therefore, the petitioner was constrained to send another detailed representation to the respondent to once again survey the land. Since they have not come forward to survey the land, the present writ petition is filed.

3. Heard the learned counsels on either side.



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4. Admittedly, the seventh respondent herein has attempted to comply with the order of this Court. However, the individual respondents are creating problems. Therefore, taking into account the fact that the survey is proposed to be done only after issuing notice to all the adjacent owners, the writ petition is partly allowed with a direction to the respondents 7 and 8 to survey and demarcate the area comprised in S.No.241/1 measuring an extent of 0.24.00 hectares situated at Velanoorani Village, Thiruchuli Taluk, Virudhunagar District. The petitioner as well as the respondents 10 to 17 will be present and their presence shall also be recorded by the surveyor while executing the orders of the Court. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. It is made clear that if the boundary stones are removed once again, it is well open to the Revenue Authorities to initiate criminal action against the parties indulging in this illegal activity. No costs.

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NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

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P.T.ASHA, J.

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