



W.P(MD)No.1131 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1131 of 2015

Jothilakshmi

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti, Tuticorin District.

3.The Tahsidlar,
Vilathikulam,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 1st Respondent in his Proceedings A6/9216/2013 dated 09.05.2014 and quash the same and further direct the 3rd respondent to comply with the orders passed by the 2nd respondent in his Proceedings A6/5441/10, dated 14.01.2011 to



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measure the petitioner's vacant site situated in Natham S.No.347/4, Sankaralingapuram Village, Vilathikulam Taluk, Tuticoin District, within a time limit fixed by this Court.

For Petitioner : Mr.PT.S.Narendra Vasan

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

ORDER

The learned counsel for the writ petitioner reports no instruction. However, I went through the materials on record.

2.The petitioner had earlier filed W.P.(MD)No.9220 of 2011. All that the petitioner wanted was measurement of her vacant site situated in Natham Survey No.347/4 in Sankaralingapuram Village, Vilathikulam Taluk. The writ petition was disposed of on 05.02.2013 in the following terms:-

“5.The learned Government Advocate appearing for the respondents reiterated the contentions raised in



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the letter of the Tahsildar dated 15.11.2010. However, the said communication cannot be now relied on by the Tahsildar; since the second respondent has issued further direction on 14.01.2011, which is presumed to have been issued after considering the Tahsildar's communication dated 15.11.2010. If the Civil Court decree has become final and if the petitioner's right has been declared, the revenue officials are bound to consider the petitioner's request for measuring the property. If the situation stood thus, then it would be open to the authorities to take appropriate measures so as to comply with the request made by the petitioner. It is made clear that this Court has not gone into the question regarding the possession of the land or such other matters, which is within the domain of the authorities.

6.For all the above reasons, this writ petition is disposed of by directing the 3rd respondent to comply with the direction issued by the second respondent dated 14.01.2011 measure the petitioner's property as directed therein, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”



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3. It is unfortunate that even thereafter, the authorities are hesitating to implement the order. The authorities appear to be labouring under the impression that if the petitioner's request for survey and measurement is complied with, it may give rise to law and order problems. It is true that district administration will have to keep the said aspect in mind. But when it comes to enforcement of an individual rights, the authorities cannot remain a mute spectator. The authorities are expected to come to the aid of the person who is seeking to enforce her legitimate rights. In this case, the petitioner has succeeded before the jurisdictional Civil Court. She also obtained an order in writ proceedings. Even thereafter to tell the petitioner that her request will not be complied with is not reasonable. The order impugned in this writ petition is set aside on the ground that it is not in consonance with the order passed by this Court in W.P.(MD)No.9220 of 2011. The respondents are directed to measure the petition mentioned site. The third respondent is directed to complete the exercise of survey and measurement within a period of six weeks from the date of receipt of a copy of this order.



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4.This writ petition is allowed accordingly. No costs.

09.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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