



W.P.(MD)No.1248 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.1248 of 2015

and

M.P.(MD)No.1 of 2015

D.Senthil Kumar

... Petitioner

versus

1. The District Collector,
O/o. The District Collector,
Virudhunagar,
Virudhunagar District.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Arupukottai Taluk,
Virudhunagr District.
3. The Tahsildar,
Arupukottai Taluk,
Virudhunagar District.
4. The District Surveyor,
Collectorate Building,
Virudhunagar District.



W.P.(MD)No.1248 of 2015

5. The Superintendent of Police,
O/o. the Superintendent of Police,
Virudhunagar District.

6. The Inspector of Police,
Arupukottai Town Police Station,
Virudhunagar District.

7. Vijaya Pitchai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent No.4 to survey the land of the petitioner in Survey No.134/5A1 situated at Palayampatti Village, Arupukottai Taluk, Virudhunagar District and fix the boundary stones with adequate police protection with the assistance of the respondent Nos.2 and 3 and consequently direct the respondent Nos.1 to 4 to grant patta for the properties in Survey No. 134/5A1 situated at Palayampatti Village, Arupukottai Taluk, Virudhunagar District within the stipulated time prescribed by this Court.

For Petitioner : Mr.S.Rajasekar

For R1 to R6 : Mr.J.K.Jeyaseelan,
Government Advocate

For R7 : No appearance



W.P.(MD)No.1248 of 2015

ORDER

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This writ petition is filed for a mandamus directing the 4th respondent to survey the land of the petitioner in Survey No.134/5A1 situated at Palayampatti Village, Aruppukottai Taluk, Virudhunagar District and fix boundary stones with adequate police protection.

2. The case of the petitioner is that his father Durairaj has purchased the said land in Survey No.134/5A1 of Palayampatti Village, Aruppukottai Taluk, Virudhunagar District, to an extent of 2100 sq. ft, from one Gomathi Ammal, through a registered sale deed No. 1574/1984 dated 23.08.1984. Thereafter, his father has also executed a gift settlement deed in his favour, which was also registered as Document No.2367/2005 dated 17.06.2005. However, he is not in possession of the property as it has been encroached by the 7th respondent. Therefore, in order to identify the property, the petitioner has approached the 4th respondent and paid necessary fee on 12.11.2013 for sub division and also for surveying the land, however,



W.P.(MD)No.1248 of 2015

the 4th respondent has not acted upon it. Hence, the petitioner is before this Court.

3. The 3rd respondent/Tahsildar, Aruppukottai, filed a counter affidavit admitting the averments made in the writ petition that the petitioner is the owner of the property in Survey No.134/5A1 to an extent of 2100 sq. ft and that the 7th respondent had encroached upon the property by putting up a fencing. The 7th respondent is reported to be the wife of an Ex MLA and also acted as District Chairman.

4. Though this Court ordered notice to the 7th respondent and her name was also printed in the cause list, there is no representation on behalf of the 7th respondent either in person or through a counsel.

5. This Court, based on the counter affidavit filed by the 3rd respondent/Tahsildar, Aruppukottai, found that the 7th respondent has encroached upon the petitioner's property and the authorities are not



W.P.(MD)No.1248 of 2015

taking any action as against the 7th respondent as she happens to be the wife of an Ex. MLA.

6. In view of the above, this writ petition is allowed with a direction to the official respondents to measure the land of the petitioner, situated in Survey No.134/5A1, Palayampatti Village, Aruppukottai Taluk, Virudhunagar District and identify the same, by fixing boundary stones. If any police protection is required, the 6th respondent shall provide adequate police protection for measuring the land. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Collector,
O/o. The District Collector,
Virudhunagar,
Virudhunagar District.



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W.P.(MD)No.1248 of 2015

B.PUGALENDHI, J.

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2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
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3. The Tahsildar,
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W.P.(MD)No.1248 of 2015

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