



W.P(MD)No.22702 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22702 of 2015

S.Sivagnanam

... Petitioner

Vs

1.The Commissioner of Municipality,
Palani Municipality Office,
Palani Town,
Dindigul District.

2.K.Mohan,
S/o.R.M.K.Krishnan,
R.M.K.Building,
No.164, Railway Feeder Road,
Palani,
Dindigul District.
***(R.2 is impleaded vide order of
this Court dated 02.08.2023 in
W.M.P(MD)No.17542 of 2016)***

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to measure the land and fix the four boundaries in Survey Nos.3/2, 4/3, Block No.26, Palani Nagar Ward No.4 in Palani Nagar, Dindigul District, based on the petitioner's



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application dated 04.08.2014 to the respondent within the time stipulated by this Court.

For Petitioner : No Appearance
For Respondents : Mr.L.P.Mauriya
Standing Counsel for R.1

Mr.S.Karthik for R.2

ORDER

None appears for the writ petitioner.

2. The case is posted under the cation “for dismissal”. I went through the contents of the affidavit filed in support of the writ petition.

3. The case of the petitioner is that his father was a pattadhar in respect of the petition mentioned properties. His father is no more. The petitioner only wants survey and demarcation of the boundaries as per the revenue record.

4. The Municipal Commissioner has filed counter affidavit and the learned Standing Counsel took me through its contents. The stand of the Municipality is that they are willing to abide by any order that may be passed by this Court. He also pointed out that there is a civil dispute between the petitioner on the one hand and Mohan / the second respondent on the other.



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5. The impleaded respondent submitted that the petitioner's father's name was erroneously included during UDR and for correcting the same, the impleaded respondent has moved the District Revenue Officer, Dindigul. The District Revenue Officer, Dindigul has declined to consider his request by citing the pendency of this writ petition.

6. I carefully considered the rival contentions and went through the materials on record.

7. It is seen that the impleaded respondent has filed a revision petition before the District Revenue Officer, Dindigul. In the revision petition, the petitioner is figuring as the respondent. The impleaded respondent is permitted to file a fresh petition before the District Revenue Officer, Dindigul and the same will be entertained without any reference to limitation. The petitioner shall be put on notice by the District Revenue Officer. Final order shall be passed after hearing both the parties on merits and in accordance with law within a period of four months after receipt of the such petition from the impleaded respondent. Based on the decision of the District Revenue Officer, Dindigul the Municipal Commissioner shall cause survey, measurement and demarcation of the petition mentioned property.



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8. This writ petition is disposed of accordingly. There shall be no order as to costs.

02.08.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

The Commissioner of Municipality,
Palani Municipality Office,
Palani Town,
Dindigul District.



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G.R.SWAMINATHAN, J.

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