



W.P.(MD).No.2129 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2129of 2024

RM.Viduthalai Arasu

... Petitioner

vs.

1.The District Collector,
Sivaganga District.

2.The Tahsildar,
Thiruppathur,
Sivaganga District.

3.The District Forest Officer,
O/o.District Forest Office,
Sivaganga.

4.The Forest Range Officer,
Tiruppathur Circle,
Tiruppathur,
Sivaganga District.

5.The Divisional Manager,
Tamilnadu Forest Plantations
Corporation Limited.,
73, College Road,
Karaikudi – 630 001,
Sivaganga District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent herein to survey the property bearing S.No.2/2 in Ilangudi Village, Nachiapuram Hamlet in Tiruppathur Taluk, Sivaganga District comprised in Patta No.909 based on the petitioner's petition, dated 15.09.2022.

For Petitioner : Mr.R.Sundar Srinivasan

For R1 to R5 : Mr.A.Kannan,
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent herein to survey the property bearing S.No.2/2 in Ilangudi Village, Nachiapuram Hamlet in Tiruppathur Taluk, Sivaganga District, comprised in Patta No.909 based on the petitioner's application, dated 15.09.2022.

2.The case of the petitioner is that the property bearing Survey No.2/2 situated at Ilangudi Village, Nachiapuram Hamlet in Tiruppathur Taluk, Sivaganga District, comprised in Patta No.919, belongs to the



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petitioner and one VR.Palanivelrajan jointly and they are in possession and enjoyment of the same. On the South and Eastern side of the said property, the property belongs to the Forest Department is situated and Eucalyptus saplings have been planted and maintained by the Tamil Nadu Forest Plantation Department. Since there are no clear boundaries on field, they decided to safeguard the property by putting up fence in their property. In this regard, an application, dated 15.09.2022, has been made to survey and fix boundaries of the property and the petitioner has also paid the necessary fee. Subsequently, the second respondent has also fixed a date for surveying the land. However, thereafter, the matter has been kept in cold storage. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the lands belongs to the Forest Department has been situated adjacent to the property of the petitioner and therefore, the Forest Settlement Officer is the competent authority to decide the issue and he is not a party in this writ petition.



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4. Considering the said submissions, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the petitioner's application, dated 15.09.2022 and pass appropriate orders, after providing opportunity to all the parties concerned, on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order.

5. It is made clear that though the Forest Settlement Officer concerned is not a party to this writ petition, notice has to be served on the said authority before conducting survey.

6. With the above direction, this Writ Petition is disposed of.
No costs.

02.02.2024

Index:Yes/No
NCC:Yes/No
PM



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V.BHAVANI SUBBAROYAN,J.

PM

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