



W.P.(MD)No.6602 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.6602 of 2024

Thangadurai

... Petitioner

/Vs./

1.The District Collector,
Madurai,
Madurai District.

2. The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Special Thasildar,
Adi Dravidar Welfare Department,
Usilampatti, Madurai District.

4.Karuppiah @ Kannan
S/o. Vaasi
Plot No.15, T.Pallapatti,
E.Kottaipatti Post,
Peraiyur Taluk,
Madurai District

... Respondents

(R4 cause title amended vide court order dated 10.04.2023 in memo dated 03.04.2023 in WP(MD)No.6602 of 2023 by CVKJ)

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus directing the third respondent to survey



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and fix boundaries in respect of the properties in Plot No.75 and Plot No. 77, situated in Survey No.68/1D, 2F, 57/4C2 at T.Pallapatti, E.Kottaipatti, Post, Periyur Taluk, Madurai District as per the provisions contemplated under Sections 9 and 10 of the TamilNadu Survey and Boundaries Act on the basis of the petitioner's representation dated 23.01.2023 within a stipulated time fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran
For R1 to R3 : Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of Writ of Mandamus directing the third respondent to survey and fix boundaries in respect of the properties in Plot No.75 and Plot No.77, situated in Survey No. 68/1D, 2F, 57/4C2 at T.Pallapatti, E.Kottaipatti, Post, Periyur Taluk, Madurai District as per the provisions contemplated under Sections 9 and 10 of the TamilNadu Survey and Boundaries Act on the basis of the petitioner's representation dated 23.01.2023 within a stipulated time fixed by this Court.



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2. The petitioner's wife and mother were issued assignment patta on 02.11.2015, for Plot Nos.75 and 77, to an extent of 4.89 cents in S.No. 68/1D, 2F and 57/4C2 at T.Pallapatti, E.Kottaipatti Post, Peraiyur Taluk, Madurai District. On 05.09.2018, the petitioner's mother and wife obtained an order from the Panchayat Union District Development Officer for construction of house under the Government Free Green House Scheme in the said land. As the fourth respondent and relatives were trying to interfere with the petitioner's peaceful possession and enjoyment of the assigned properties, the petitioner approached the first respondent on 23.01.2023, through a representation for survey of his land and for demarcation of boundaries and also for taking departmental action against the fourth respondent. The petitioner on 27.01.2023, paid necessary fee for survey of his land by way of e-chalan. As no action was taken, the petitioner filed the above Writ Petition for the aforesaid relief.

3. The learned Additional Government Pleader on instructions submits that the assignment patta was cancelled with respect to the Plot No.75 for the reasons assigned therein on 16.03.2023 by the order of the Officer, District Adi Dravidar Welfare Department. The learned



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Additional Government Pleader therefore submits that as the assignment patta itself was cancelled for Plot No.75, the request for survey cannot be sustained.

4. The learned counsel for the petitioner submits that as far as Plot No.75 is concerned, liberty may be given to the petitioner to challenge the order dated 16.03.2023, in the manner known to law.

5. The learned Additional Government Pleader submits that as regards Plot No.77, in pursuance of the application of the petitioner, the second respondent directed the third respondent vide communication dated 30.01.2023, to take appropriate steps to conduct enquiry and survey the petitioner's land. The learned Additional Government Pleader therefore submits that a reasonable time may be given to the third respondent to comply with the order of the second respondent.

6. Heard both sides and perused the materials available on record.

7. As regards Plot No.75, by the order dated 16.03.2023 of the



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Officer, District Adi Dravidar and Tribunal Welfare Department, dated 16.03.2023, the assignment patta of the petitioner was cancelled and therefore, prayer in the Writ Petition, as far as Plot No.75 is concerned, cannot be granted. However, I am inclined to give liberty to the petitioner to challenge the order dated 16.03.2023, in a manner known to law. As regards Plot No.77, the petitioner's representation has already been acted upon and the second respondent issued a direction to the third respondent vide communication dated 30.01.2023 to conduct enquiry and survey the petitioner's land. Therefore, the third respondent is hereby directed to comply with the said order of the second respondent within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

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Index : Yes / No
NCC : Yes / No
CM



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N.MALA, J.

CM

Order made in
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Dated:

03.12.2024