



WP(MD). Nos.14499 to 14502 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/12/2024

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THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD). Nos.14499 TO 14502 of 2021

P.Muthu	...	Petitioner in W.P.(MD) No.14499/2021
Sekar	...	Petitioner in W.P.(MD) No.14500/2021
S.A.Rajendran	...	Petitioner in W.P.(MD) No.14501/2021
P.Subramani	...	Petitioner in W.P.(MD) No.14502/2021

-VS-

- 1.The Revenue Divisional Officer,
Musiri,
Trichy District.
 - 2.The Thasildhar,
Musiri Taluk,
Trichy District.
 - 3.The Block Development Officer,
Village Panchayath,
Musiri Panchayath Union, Musiri,
Trichy District.
 - 4.The President,
Sithampur Panchayath Union,
Musiri Taluk,
Trichy District.
- ... Respondents in all W.Ps.



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PRAYER :- Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent, dated 23.07.2021, in proceedings Na.Ka.No.1/2021-2022, quash the same, as the same is arbitrary, ultravires, in violation of the principles of natural justice, audi alteram partem and consequently direct the 4th respondent to measure the properties comprised in S.No.323/39, Sithampur Village, Musiri Taluk, Trichy District.

For Petitioner in all W.Ps.: Mr.R.G.Shankar Ganesh

For Respondents in all W.Ps. : Mr.SRA Ramachandran,
Addl.Govt.Pleader.

COMMON ORDER

**(Order of the Court was made by
the Hon'ble The Chief Justice)**

By consent, the following order is passed as a common order.

2. Without going into the merits of the rival allegations in the petitions as well as the counter filed respondent No.4, in our view, the dispute can be resolved by directing respondent No.2 – Tahsildar to do resurvey of the land concerned. The survey is to be conducted in the presence of petitioners/petitioners' representatives. Since the earlier



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survey was conducted in response to orders passed by this Court in a public interest litigation filed by one P.Dhanapackiam, notice be given to the said P.Dhanapackiam as well, fixing the date and time of survey. At least two working days' advance notice shall be given. If either petitioners or their representatives or Dhanapackiam or her representative is absent, the Tahsildar may, if he deems fit, proceed with the survey. Two Panch Witnesses may also be kept present, who shall endorse the survey report, confirming the contents thereof. Copy of the report shall also be made available to the petitioners as well as Dhanapackiam. This exercise shall be completed within eight weeks from today.

3. Mr.R.G.Shankar Ganesh, counsel for petitioners, states, if during the survey it is found that the petitioners have encroached on any land, petitioners undertake to vacate and hand over the possession of the land to the Tahsildar within two weeks of completion of survey.

4. Undertaking is accepted. We also clarify that if the Tahsildar feels that there is any other survey number involved apart from the survey number, which is the subject matter of these petitions or the PIL filed by P.Dhanapackiam, he may survey those lands as well,



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following the same process mentioned above and the encroachers be evicted in accordance with law.

5. Writ Petitions are disposed of accordingly. No costs. Consequently, the connected W.M.P.(MD) Nos.11431, 11432, 11434, 11436, 16871, 16872, 16882 and 16883 of 2021 are closed.

(K.R.SHRIRAM, C.J.)

(L.VICTORIA GOWRI, J.)

19.12.2024

NCC : Yes/No
Index : Yes/No

dixit

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