



W.P.(MD) No.18896 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.18896 of 2024

Selvamani

... Petitioner

/vs./

1.The Commissioner,
Trichy City.

2.The Assistant Commissioner,
K.Abishegapuram Division,
Trichy West, Trichy.

3.The Assistant Director and Survey Department,
District Collectorate,
Trichy.

4.The Tahsildar,
Trichy East Taluk Office,
Trichy.

5.The Town Surveyor,
K.Abishegapuram Division,
Trichy West,
Trichy.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, direct the 3rd Respondent to consider the petitioner's representation dated 30.07.2024 to rectify the error occurred in the FMB in Survey No.29 situated at Devathanam Village, Trichy East Taluk, Trichy District.

For Petitioner : Mr.K.Arunraj
For R1 & R2 : Mr.K.R.Kishore Ram for
R.B.Law Associates
For R3 to R5 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus to direct the third respondent to consider the petitioner's representation dated 30.07.2024 to rectify the error that has occurred in the FMB in S.No.29 at Devathanam Village, Trichy East Taluk, Trichy District.

2. On a perusal of the records, it is found that the writ petitioner has approached this Court with unclean hands and by suppressing the true facts. It appears that the petitioner has earlier filed a writ petition in W.P.(MD) No.30288 of 2023 for the following relief, about which there is a reference in para 4 of the affidavit filed in support of the present writ petition:-



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"Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents to make Subdivision of the petitioners property in Survey no. 29 situated at Devathanam Village, Trichy East Taluk, Trichy District and consequently issue separate patta to him based on the petitioners Application dated on 13.10.2023."

3. However, what has not been stated is the fact that a notice was issued on 21.02.2024 informing the petitioner about the survey that was proposed to be conducted on 02.03.2024 at 11.00 am. This notice has been received by the petitioner herself on 22.02.2024. Once again, suppressing the same, the present writ petition has been filed to rectify the error, as if the same has taken place without notice to the petitioner.

4. Considering the conduct of the petitioner, the Writ Petition is liable to be dismissed and is accordingly, dismissed.



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5. At this juncture, it is informed by Mr.B.Saravanan, learned Additioanl Government Pleader for the respondents that the respondents would not be able to correct the FMB sketch until the entire extent in S.No.29 has to be measured and demarcated. Therefore, till such time, they will not be in a position to rectify the error, if any. Therefore, he seeks time to proceed survey and demarcate.

6. Considering the submission of the learned Government Advocate, a Mandamus is issued to the respondents to survey and demarcate the entire land in S.No.29 at Devathanam Village, Trichy East Taluk, Trichy District, after issuing notice to petitioner as well as the interested parties, if any and pass orders, within a period of two months from the date of receipt of a copy of this order. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

11.09.2024

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To

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P.T.ASHA, J.

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