



W.P.(MD) No.21197 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21197 of 2024

M.Moorthy

.. Petitioner

Vs.

1.The District Collector,
Madurai,
Madurai District.

2.The Tahsildar,
Madurai East Taluk,
Madurai District.

3.The Surveyor,
Madurai East,
Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, direct the respondents 1 to 3 to survey the vacant land in S.R.No.116/6 extent of 7 ½ cents in Kottakaraimedu, Y.Pudupatti, Arumbanoor, Madurai East Taluk, Madurai and to issue patta based on his representation, dated 02.07.2024 within a time stipulated by this Court.



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For Petitioner : Mr.M.Rajendran

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus to direct the respondents 1 to 3 to survey the vacant land in S.R.No.116/6 measuring an extent of 7 ½ cents situated in Kottakaraimedu, Y.Pudupatti, Arumbanoor, Madurai East Taluk, Madurai and to issue patta based on his representation, dated 02.07.2024.

2. The case of the petitioner is that his father was in possession and enjoyment of the land in Survey No.146 measuring an extent of 7 ½ cents. His father has submitted a grievance petition before the 1st respondent on 09.05.2011 for issuance of patta, for which the 2nd respondent vide his letter, dated 27.04.2017 had stated that the said land has been classified as “Natham Poramboke”. Thereafter, the petitioner had sent an appeal on 03.03.2022 through proper channel, for which a non-speaking letter, dated 10.03.2022 has been served to the petitioner.



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The petitioner submitted a letter to the 2nd respondent to survey the property and had also paid necessary fee for the same. Thereafter, on 31.03.2024, the petitioner has filed a petition to the Inspector of Police, Y.Othakadai and Superintendent of Police, Madurai to give necessary police protection while surveying the land. Since the petitioner had made several representations, the same were not considered by the respondents. Therefore, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that some third party is started fencing the petition mentioned property.

4. Heard the learned counsels on either side.

5. Considering the request of the petitioner and also the fact some third party is fencing the property, a Mandamus is issued to the respondents to conduct survey and mark the boundaries in the petition mentioned property and to temporarily stop the fencing by the third party till they complete the survey. If there is any law and order problem, the



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revenue officials shall seek police protection. In such circumstances, the jurisdictional police shall provide police protection to the revenue officials for conducting survey and demarcation. The petitioner shall submit all the relevant records to show his title to the property and the respondents shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter proceed to pass orders either surveying and demarcating the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands allowed. No costs.

06.09.2024

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

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To

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P.T.ASHA, J.

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