



W.P.(MD) No.22273 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22273 of 2024

and

W.M.P(MD)No.18838 of 2024

Shanmuga Anand

.. Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate Building,
Tenkasi District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tenkasi District.
- 3.The Tahsildar,
Office of the Tahsildar,
Sivagiri Taluk,
Tenkasi District.
- 4.The Forest Range Officer,
Sivagiri Forest Range Office,
Sivagiri Taluk,
Tenkasi District.
- 5.The Assistant Engineer,
Distribution, TANGEDCO,
Sivagiri Taluk, Tenkasi District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 3rd respondent to survey the petitioner's property in Survey No.12 measuring 1.32.50 hectares, situated at Rayagiri Part - 2, Sivagiri Taluk, Tenkasi District and demarcate the line of radius of Eco-sensitive Zone / Nellai Wildlife Sanctuary area consequently directing the respondent No.1 to grant permission to run the business in the rest of the petitioner's property area by considering the petitioner's representation, dated 30.08.2024.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus to direct the 3rd respondent to conduct survey the property comprised in Survey No.12 measuring an extent of 1.32.50 hectares situated in Rayagiri Part - 2, Sivagiri Taluk, Tenkasi District and demarcate the line of radius of Eco-sensitive Zone / Nellai Wildlife Sanctuary area consequently direct the respondent No.1 to grant permission to run the business in the rest of the petitioner's property area by considering the petitioner's representation, dated 30.08.2024.



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2. The case of the petitioner is that he had obtained the petition mentioned property from his grand-father under a registered sale deed, dated 28.10.2004. All the revenue records are standing in the name of the petitioner. After purchasing the same, he leased it out to one Arun who was running the business of Brick Kiln in the said land. In these circumstances, the said Arun has received a letter from the 1st respondent, dated 15.06.2024 indicating that the Brick Kiln is situated within 1Km radius of eco-sensitive sone / Nellai wildlife sanctuary area in violation of Section 3 of Environmental Protection Act 1986 and further directed to remove the Brick Kiln. The 1st respondent ascertained the radius with the help of the google map and had not conducted any physical survey. Pursuant to which, the 5th respondent has disconnected the electricity service to the property. Therefore, on 30.08.2024, the petitioner has made a representation and has also paid necessary fee for surveying the property. Since no further action has been taken on the side of the revenue officials, the petitioner is before this Court.

3. Heard the learned counsel on either side.

4. Considering the request of the petitioner and also the fact that



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the petitioner has made his representation as early as in August, 2024, a Mandamus is issued to the respondents to conduct survey and mark the boundaries in the petition mentioned property. The earlier survey has not been conducted in the manner provided under the Manual of Land Survey. Therefore, 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 four (4) months from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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