



W.P.(MD) No.22979 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22979 of 2024

A.Karuppiyah

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Sivangai.

2. The Block Development Officer,
Office of the Block Development Officer,
Thirupuvanam,
Sivagangai.

3. The Tahsildar,
Taluk Office,
Thirupuvanam,
Sivagangai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the first respondent to rectify the street in the Field Map in Survey No.567 in Enathi Village, Thirupuvanam Taluk, Sivagangai District as mentioned in the Old Survey No.495 in Enathi Village, Thirupuvanam Taluk, Sivagangai District, in a



W.P.(MD) No.22979 of 2024

time bound manner.

For Petitioner : Mr.D.Senthil
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, to to direct the first respondent to rectify the street in the Field Map in Survey No.567 in Enathi Village, Thirupuvanam Taluk, Sivagangai District as mentioned in the Old Survey No.495 in Enathi Village, Thirupuvanam Taluk, Sivagangai District, in a time bound manner.

2. The case of the petitioner is that the property comprised in Survey No.567/10 (Old Survey No.495/2P) in Eenathi Village, Thiruppuvanam Taluk, Sivagangai District, is his ancestral property and patta was issued in the name of Alagu Makkal Moorthy and two others to an extent of 0.11.70 Ares. An extent of 55 cents in the above survey



W.P.(MD) No.22979 of 2024

number was the petitioner's ancestral property and patta was issued in respect of a smaller extent in the name of the petitioner and other legal heirs of the said Alagu Makkal Moorthy. Thereafter, the petitioner and his brothers orally partitioned the property and they were in possession and enjoyment of their respective shares. While so, the third respondent had issued a notice under Section 6 of Land Encroachment Act, to one Rajathi, who had challenged the same in W.P.(MD)No.26470 of 2023, before this Court and she had prayed to quash the impugned order and for a direction to the respondents No.1 to 3, to take action against the encroachments in the petitioner's village. The said writ petition was disposed of, with a direction to remove the encroachments. Thereafter, the third respondent had issued a notice to the said Rajathi and the petitioner and other three persons stating that they had encroached into Survey Nos.148/1D1, 550/23, 550/24, 567/5, 148/3 and 134.

3. At the time of field inspection, a field map was handed over to the petitioner who was shocked to see that in between his property, a road was shown in Survey No.567/5. He had immediately approached



W.P.(MD) No.22979 of 2024

the first respondent and on his application, a field map for the old survey No.495/2 was issued which clearly shows that there was no pathway running East-West and the street was situated only in the South North direction. The petitioner had submitted that if a field map is prepared as per how it is now shown, it would be wrong since there is no pathway in his property. The authorities have issued an eviction notice on the basis that the road is an existence and that the petitioner and others had encroached into the same. Therefore, he had sent a representation directing the respondents to rectify the street map. A copy of the field map which has been produced by the petitioner does not indicate the above road.

4. Heard the learned Counsel on either side.

5. Taking note of the old field map which does not show the street, the official respondent is directed to verify the revenue records and the documents and pass orders, rectifying the field map by deleting the street if it is not available in the earlier revenue records, within within a period



W.P.(MD) No.22979 of 2024

of six (6) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is allowed. No costs.

26.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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W.P.(MD) No.22979 of 2024

P.T.ASHA, J.

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W.P.(MD) No.22979 of 2024

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