



W.P.(MD) No.25614 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

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Fresh Farms Enterprises LLP,
Rep., by its Authorised Signatory,
Ramesh Kandasamy,
No.22F/2-174, CHB Colony West Street,
Velur Road Valaraigate, Tiruchengode Taluk,
Namakkal-637 211.

.. Petitioner

Vs.

- 1.The District Collector,
Office of the District Collectorate,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Palayamkottai,
Tirunelveli.
- 3.The Assistant Director,
Land Survey and Land Records,
Tirunelveli.
- 4.The Tahsildar,
Taluk Office,
Palayamkottai,
Tirunelveli.



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5.The Taluk Deputy Inspector of Survey,
Taluk Office,
Palayamkottai, Tirunelveli.

6.The Correspondent,
St. John's College,
Tirunelveli.

.. Respondents

*[R6 – suo motu impleaded vide order dated
25.10.2024 in W.P.(MD) No.25614 of 2024]*

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to survey the petitioner's property in Ward BL, Block 25, Town Survey No. 59/79 in Palayamkottai, Tirunelveli in light of the sale deed in Document No.1369/2021 dated 19.03.2021 and to fix the metes and bounds by considering the application No.2024/0178/29/000151 dated 20.06.2024.

For Petitioner	:	Mr.S.Ramsundarvijayraj
For R1 to R5	:	Mr.D.S.Nedunchezian Government Advocate
For R6	:	Mr.V.Balaji

ORDER

The petitioner has filed this writ petition for a mandamus to direct the respondents to survey the petitioner's property in Ward BL, Block 25,



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Town Survey No.59/79 in Palayamkottai, Tirunelveli in light of the sale deed in Document No.1369/2021, dated 19.03.2021 and to fix the metes and bounds by considering the application No.2024/0178/29/000151 dated 20.06.2024.

2. Mr.V.Balaji, learned counsel brought to the notice of this Court that St. John's College, Tirunelveli appears to be using the land subject matter of this writ petition as a play ground and has also enclosed the same within a compound wall making access available only to the College.

3. In view of the above, St. John's College, Tirunelveli is *suo motu* impleaded as the sixth respondent to this writ petition. Registry is directed to carry out necessary amendment.

4. Mr.V.Balaji, learned counsel takes notice for the newly impleaded respondent.



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5. The case of the petitioner *viz.*, Fresh Farms Enterprises LLP is that their primary activity revolves around agricultural activities in large-scale, which has been doing the agricultural activities to date without any adverse remarks. While so, one T.S.Senthil Arumugam and his son T.S.Sivasubramanian executed a sale deed dated 19.03.2021 in respect of the petition mentioned property in favour of the petitioner and from the date of purchase, they are in possession and enjoyment of the same. An application dated 20.06.2024 to the respondents was made to survey the land, however the same has not been considered by the respondents to date.

6. The petitioner would submit that the Chief Educational Officer, Tirunelveli *vide* his communication dated 28.08.2024 requested for consent from the petitioner to conduct a Regional Conference titled “Celebrating Parents” in S.No.59/79. The petitioner has accepted the request and replied with its consent on the same date. Considering the welfare of School Education, the petitioner also took necessary steps and incurred expenses to remove the compound wall put up. The event was



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successfully completed and the vacant land was returned to the petitioner. However, their application to conduct survey dated 20.06.2024 even prior to the date of event has been kept in cold storage to date. Hence the writ petition.

7. Heard the learned counsel on either side.

8. Considering the case of the petitioner and also the fact that the petitioner has made their application as early as on 20.06.2024, a mandamus is issued to respondents 4 and 5 to conduct survey and subdivision of the petition mentioned property. The petitioner shall submit all the relevant records to show their 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 subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. Since it has been brought to the notice of this Court that the sixth respondent has been using the land subject matter of this writ petition as a play ground,



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the surveying officers shall survey the property only after hearing the objections of the sixth respondent as well. The aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is allowed. No costs.

25.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

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

2.The Revenue Divisional Officer,
Palayamkottai,
Tirunelveli.

3.The Assistant Director,
Land Survey and Land Records,
Tirunelveli.



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4.The Tahsildar,
Taluk Office,
Palayamkottai,
Tirunelveli.

5.The Taluk Deputy Inspector of Survey,
Taluk Office,
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P.T.ASHA, J.

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