



W.P.(MD) No.26036 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.26036 of 2024

Sengol Madha Kovil,
Rep., Diocesan Procurator,
Fr.Arockiasamy,
S/o.Dharmaraj,
Sengol Madha Kovil, Karangadu Village,
A.Manakudi Post, Tiruvadanai Taluk,
Ramanathapuram District.

.. Petitioner

Vs.

1.The Tahsildar,
Tiruvadanai Taluk,
Ramanathapuram District.

2.The Assistant Director,
Land Survey, Collector Office,
Ramanathapuram District.

3.The Taluk Surveyor,
Tiruvadanai Taluk,
Ramanathapuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct respondents 1 to 3 to carry out the survey of land in Survey No.282/2 for an extent of 1-88.00



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Hectares situated at Karangadu Village, A.Manakudi Post, Tiruvadanai Taluk, Ramanathapuram District by considering the representation of the petitioner dated 17.08.2024.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition has been filed for a mandamus to direct respondents 1 to 3 to carry out the survey of land in Survey No.282/2 measuring an extent of 1-88.00 Hectares situate at Karangadu Village, A.Manakudi Post, Tiruvadanai Taluk, Ramanathapuram District by considering the representation of the petitioner dated 17.08.2024.

2. The case of the petitioner is that during the settlement period, settlement proceeding was issued in the name of Sengol Madha Kovil, Karangadu in the year 1970. Even prior to the said period, the land was under the possession and enjoyment of Sivagangai Diocese and Karangadu Church. In the year 2021, the nearest village people viz.,



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Mullimunai, created problem. Since the church is having all the revenue documents to show that the land in S.No.282/2 belonged to the petitioner's church, in order to give a quietus to the problem, the petitioner sent a representation dated 19.01.2022 to the first respondent and paid requisite fee. Since no action was taken on the same, the petitioner sent another representation on 09.11.2022. However, that too was not considered by the first respondent constraining the petitioner to send a representation dated 13.12.2022 to the District Collector, Ramanathapuram. After periodical representations, the District Collector passed an order dated 25.09.2023 directing the first respondent to survey the land and remove the encroachment. In spite of the District Collector directing the first respondent to survey the land, no steps were taken on the side of the first respondent to conduct the survey. Therefore, the petitioner made a request to the second respondent on 17.08.2024 to survey the land through GPS. However, to date no action was taken on the same. Therefore, the petitioner is before this Court.

3. Heard the learned counsel on either side.



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4. Considering the request of the petitioner and also the fact that the petitioner has made his representation as early as on 19.01.2022 followed by various representations, a mandamus is issued to the respondents 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. When the authorities go for survey and when police protection is asked, the jurisdictional police shall provide the same. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is allowed. No costs.

NCC : Yes/No
Index : Yes/No
abr

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P.T.ASHA, J.

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