



W.P.(MD)No.26765 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.26765 of 2024
and W.M.P(MD)No.22688 of 2024

S.Parthiban

... Petitioner

/Vs./

1.The District Collector,
Dindigul District,Dindigul

2.The Tahsildar,
Oddanchathiram Taluk,
Dindigul District.

3.Rani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.2860/2024/S, dated 09.10.2024 and quash the same and direct the second respondent to survey the lands belongs to the petitioner in S.No.270/1, to an extent of 1.51.50 Hectare at Appipalayam Village, Oddanchathirram Taluk, Dindigul District.

For Petitioner : Mr.A.K.Baskarapandiyan

For R1 & R2 : Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of Certiorarified Mandamus to quash the impugned order passed by the second respondent in



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Na.Ka.No.2860/2024/S, dated 09.10.2024 and for consequential direction to the second respondent to survey the lands belonging to the petitioner in S.No.270/1, to an extent of 1.51.50 Hectare at Appipalayam Village, Oddanchathiram Taluk, Dindigul District.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner purchased the property in S.No.270/1, to an extent of 1.51.50 Hectare at Appipalayam Village, Oddanchathiram Taluk, Dindigul District vide a registered sale deed dated 10.10.2023 in Document No.1621/2023. The petitioner also obtained a patta vide Patta No.707 in his name. As the third respondent and her brother attempted to interfere with the possession of the petitioner, he made an application on 13.05.2024 to the second respondent to survey and to demarcate his lands. As no steps were taken on his application, the petitioner moved this Court by way of W.P(MD)No.12676 of 2023. This Court, by order dated 14.06.2024, disposed of the Writ Petition by issuing certain directions to the second respondent. The second respondent, after



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conducting due enquiry, decided to survey the land and issued notice for survey of the land on 13.09.2024. The Surveyor without any valid reason refused to survey the land. The petitioner therefore, submitted a representation dated 16.09.2024 to the second respondent. On receipt of the same, the second respondent passed the impugned order dismissing the application dated 13.05.2024 for survey. Challenging the same, the petitioner filed the present Writ Petition for the aforesaid relief.

4. The learned counsel for the petitioner submits that this Court in W.P.(MD)No.12676 of 2024 issued specific directions to the second respondent to survey and to demarcate the boundaries of the petitioner's land. The learned counsel further submits that even without complying with the directions of this Court, the second respondent rejected the petitioner's application and therefore, the impugned order deserves to be set aside.

5. The learned Additional Government Pleader fairly concedes that the directions issued by this Court in W.P.(MD)No.12676 of 2024 in the order dated 14.06.2024 were not complied with and therefore, the matter



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may be remanded back to the second respondent for fresh enquiry.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

7. Admittedly, the directions issued by this Court in WP(MD)No. 12676 of 2024 by order dated 14.06.2024 have not been complied with and therefore, the impugned order cannot be sustained. Accordingly, the impugned order is set aside. The second respondent is directed to comply with the directions issued by this Court in order dated 14.06.2024 in W.P(MD)No.12676 of 2024 within a period of twelve weeks from the date of receipt of a copy of this order.

8. In the result, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2024

Index : Yes / No
NCC : Yes / No
CM



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TO:

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Dindigul District,
Dindigul

2.The Tahsildar,
Oddanchathiram Taluk,
Dindigul District.



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N.MALA, J.

CM

Order made in
W.P.(MD)No.26765 of 2024
and W.M.P(MD)No.22688 of 2024

Dated:
11.11.2024