



W.P.(MD) No.10924 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.10924 of 2017

1.A.E.Karunanithi

2.A.E.Thangarasu

3.A.R.Mani

... Petitioners

/vs./

1.The District Collector,
Trichy District.

2.The Tahsildar,
Thottiyam Taluk,
Trichy District.

3.The Surveyor,
O/o. Tahsildar,
Musiri, Trichy District.

4.R.Palaniyandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to resurvey the



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property after giving opportunity to us based on the petitioner's representation dated 29.03.2017.

For Petitioner : Mr.C.Susi Kumar

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

For R4 : Mr.Rajaraman

ORDER

Seeking a Mandamus to the third respondent to resurvey the property after giving opportunity to the petitioners based on the petitioner's representation dated 29.03.2017, the petitioners are before this Court.

2. The petitioners would submit that they and others are the owners of the property in S.No.564/5D, measuring an extent of 1.40 acres at Nagayanallur Village, Thottiyam Taluk, Trichy. The property was purchased originally by the petitioners' grandfather, Pitchan under a registered sale deed dated 30.05.1934 and from the date of purchase, he has been in possession and enjoyment of the same. On the northern side of the property, there is a temple, called Perumal temple, which is situate in S.No.563/9. It is a private temple belonging to an



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individual family. For over 80 years, the petitioners and others were using the Government Poramboke land as pathway, which is situate in S.No.563/9.

3. The petitioners would submit that the fourth respondent had annexed the pathway to his property, obtained patta and changed the revenue records. The fourth respondent had started to block the pathway, which has been used for over 100 years by the petitioners as well as others. The fourth respondent had submitted a representation on 18.01.2017 seeking directions to the second respondent to survey the property and within 8 days, a writ petition was filed for a direction to consider the representation and without going into the merits, a direction as prayed for has been issued.

4. The Tahsildar on receipt of the order of this Court and without giving opportunities to the petitioners and others had surveyed and erected marking stone. An injunction suit has also been filed restraining the defendant from alienating the property. Therefore, the petitioner had submitted a detailed representation dated 29.03.2017 seeking resurvey of the lands in question. That had not been considered and therefore, the present writ petition.



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5. The fourth respondent has filed a counter affidavit denying the allegation that there is a pathway. However, the parties agreed that in order to bring about a quietus to the dispute, the lands could be resurveyed on the basis of the documents of either parties and in their presence.

6. Therefore, the Writ Petition stands disposed of with a direction to the third respondent to resurvey the petition mentioned property after giving opportunity within a period of six weeks from the date of receipt of a copy of this order. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

03.09.2024

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To

1.The District Collector,
Trichy District.

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P.T.ASHA, J.

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