



WP(MD)No.27089 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE Mrs.JUSTICE N.MALA

W.P(MD)No.27089 of 2024

Ponnuthai

...Petitioner

Vs.

1.The Special Tahsildar (Land Acquisition),
By-Pass Road,
NH 07 & 209,
Dindigul

2.The Thasildar,
Dindigul West Taluk,
Dindigul

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the second respondent to rectify the defects in FMB sketch pertaining to the entire land in Survey No.62/7 situated at Palakkanuthu Village by considering the petitioner's application dated 27.11.2023 as forwarded by the first respondent by the proceedings in Na.Ka.No.86-61/2019/Ni.Ye dated 24.07.2024.

For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the second respondent to rectify the defects in FMB sketch pertaining to the entire land in Survey No.62/7 situated at Palakkanuthu Village by considering the petitioner's application dated 27.11.2023 as



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forwarded by the first respondent by the proceedings in Na.Ka.No. 86-61/2019/Ni.Ye dated 24.07.2024.

2. The petitioner purchased the property in S.Nos.62/7 to an extent of 12 cents. Pursuant to the petitioner's purchase, the property was subdivided as Survey Nos.62/7A and 62/7B. The petitioner's property fell under Survey No.62/7B and the petitioner was given patta No.2771. The petitioner found that there was mistake in FMB sketch as the pathway in the eastern side of the petitioner's property was left out and so also the property retained by his vendor on the southern side was not mentioned. The petitioner therefore submitted a representation to the first respondent in person on 19.04.2021, to rectify the said defect in the FMB sketch. The first respondent issued a memo to the petitioner to appear for enquiry and the petitioner also appeared and submitted a written statement along with relevant documents in support of her claim. As there was no further action, on 27.11.2023, the petitioner made a representation to the first respondent in person. The said representation was forwarded to the second respondent by the first respondent on 24.07.2024. Even thereafter no action was taken. Therefore, the petitioner filed the above Writ Petition for the aforesaid relief.



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

4. The learned Additional Government Pleader on instructions submitted that the second respondent filed a report on 12.11.2023 wherein it was specifically stated that survey was conducted, but the date of survey was not mentioned.

5. The learned counsel for the petitioner submits that no notice of survey was issued to the petitioner and therefore the survey conducted behind his back should not be accepted.

6. This Court has considered the rival submissions and perused the materials available on record.

7. It is seen that even as per the second respondent's report there is no mention of date of survey and therefore, the petitioner's counsel is right in stating that survey was conducted without notice to the petitioner.



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8. In view of the fact that survey was conducted without notice to the petitioner, I am inclined to issue a direction. Accordingly, the second respondent is directed to survey the subject land by issuing appropriate notice to the petitioner and the interested persons and to rectify the defect in the FMB sketch, if any, with regard to the subject land, within a period of four weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

14.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To,
1.The Special Tahsildar (Land Acquisition),
By-Pass Road,
NH 07 & 209,
Dindigul

2.The Thasildar,
Dindigul West Taluk,
Dindigul



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N.MALA,J.

CM

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