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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Wednesday, the Eleventh day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MRS. JUSTICE N.MALA

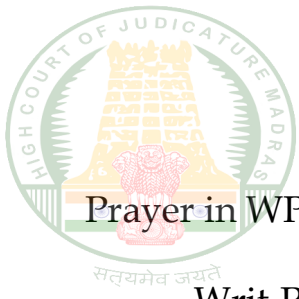
WP(MD). Nos.9060 and 9061of 2023

M.Gandhimathi Jayakumari .. Petitioner in WP(MD)No.9061 of 2023

Malliga .. Petitioner in WP(MD)No.9061 of 2023

Vs

- 1 The State of Tamil Nadu
Rep by its the Secretary to Government,
Department of Revenue and Disaster
Management, Fort St. George, Chennai 9.
- 2 The Commissioner of Land Administration, Ezhiligam Chennai 5.
- 3 The District Collector,
Trichirappalli District,Trichirappalli.
- 4 The Commissioner,
Trichirappalli City Corporation,
Trichirappalli.
- 5 The Tahsildar,
Trichy West Taluk, Trichirappalli,
Trichirappalli District. ... Respondents in Both Wps.



Prayer in WP(MD)No.9060/2023;-

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Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 and 4 to survey the petitioners property in survey no. 20/2 at 6th Cross Street, Shanmuga Nagar, Uyyakondan Thirumalai, Trichy pursuant to the representation of the petitioner dated 13.03.2023 consequently directing the respondents to remove the board put up the 4th respondent.

Prayer in Wp(MD)No.9061/2023;-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 and 5 to survey the petitioner's property in survey No.20/2 at 6th Cross Street, Shanmuga Nagar,Uyyakondan Thirumalai,Trichy pursuant to the representation of the petitioner dated 13.3.2023 consequently directing the respondents to remove the board put up by the 4th respondent.

ORDER:- This Writ Petitions coming on for hearing on this day upon perusing the petitions and affidavit filed herein and upon hearing the arguments of Mr.Dinesh Hari Sudarsan for Mr.V.Illanchezhian,Advocate for the Petitioner in both petitions and of Mr.M.Muthumanikkam Government Advocate for the respondehts and this court made the following order:



The writ petition is filed for a writ of Mandamus directing the respondents 3 and 4 to survey the petitioners's land in S.No.20/2 at 6th Cross Street, Shanmuga Nagar, Uyyakondan Thirumalai, Trichy.

2. When the matter was taken up earlier on 20.04.2023, this Court directed the fifth respondent, The Tahsildar, Trichy West Taluk, Trichirappalli District, to conduct survey of the lands in S.Nos.20/1, 20/2 and 20/3 at 6th Cross Street, Shanmuga Nagar, Uyyakondan Thirumalai, Trichy in the presence of the two writ petitioners. This Court further directed him to produce the sketch for S.Nos.20/1, 20/2 and 20/3 and demarcate the lands of the petitioners. In pursuance of the said order of this Court, the Sub Inspector of Survey submitted a report and the sketch.

3. The learned counsel for the petitioners submitted that he has absolutely no quarrel on the report of the Sub Inspector of Survey, as the report of the Sub Inspector of Survey was only in his favour inasmuch as it was found therein that S.No.20/2 belonged to the petitioners and that S.No.20/1 was Nanthavanam and S.No.203/3 was vaaikal. The learned counsel submitted that he had serious objections to the sketch filed by the Sub Inspector of Survey. The learned counsel for the petitioners submitted that the sketch filed by the Sub Inspector of Survey was erroneous because the petitioners's plot was shown as located in S.No.20/1, which is admittedly Nanthavanam. According to the petitioners's counsel, the petitioners's



plot is actually situated in S.No.20/2 and not in S.No.20/1. The learned counsel for the petitioners further submitted that it was the respondents who encroached into his plots in S.No.20/2, but were projecting as if, the petitioners entered their land. The learned counsel therefore prayed that this Court should direct resurvey of S.Nos.20/1, 20/2 and 20/3, in the presence of an Advocate Commissioner to bring the truth to light. The learned counsel for the petitioners undertakes to bear the fees of the Advocate Commissioner.

4. I find force in the submission of the learned counsel for the petitioners and therefore, Mr.G.Sarath Kumar, S.No.1599/18, 179, Law Chamber, High Court Building, Madurai. (Ph.No.9344099829) is appointed as Advocate Commissioner. The Advocate Commissioner's remuneration is fixed at Rs.15,000/- and it is to be paid by the petitioners. The fifth respondent herein is directed to conduct survey in the presence of the Advocate Commissioner, petitioners and their counsels with the help of Head Surveyor on 21.12.2024. The survey report along with sketch shall be filed before this Court on 03.01.2025.

5. Post on 03.01.2025 at 02.15 p.m.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/12/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)



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TO

1. The State of Tamil Nadu
The Secretary to Government,
Department of Revenue and Disaster
Management, Fort St. George, Chennai 9.
2. The Commissioner of Land Administration,
Ezhiligam, Chennai 5.
3. The District Collector,
Trichirappalli District, Trichirappalli.
4. The Commissioner,
Trichirappalli City Corporation,
Trichirappalli.
5. The Tahsildar,
Trichy West Taluk, Trichirappalli,
Trichirappalli District.

Copy to:

Mr.G.Sarath Kumar,
Advocate Commissioner,
Enrollment.No.1599/18,
179, Law Chamber,
High Court Building, Madurai
Ph.No.9344099829

ORDER DATED : 11/12/2024

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ORDER

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WP(MD). Nos.9060 and 9061 of 2023
Giving direction and etc.
as stated within.