

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6118 of 2015

Rajkumar

... Petitioner

vs.

1. The Revenue Divisional Officer,
Villupuram
2. The Tahsildar (Head Quarters)
Taluk Office, Villupuram.
3. The Special Tahsildar (Adi Dravida Welfare)
Villupuram Main Road, Opposite to Church,
Villupuram.
4. The Chief Surveyor,
Taluk Office, villupuram. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents more particularly the 4th respondent to survey the land of the petitioner in survey numbers 85/1 and 85/3 situated in Kandamangalam Village, Villupuram District and determine the boundary line between the petitioner's land and survey number 85/2 acquired by Government of Tamilnadu in G.O.(3-D) No.35 Backward Classes and Most Backward Classes Welfare Department dated 17.04.1996 by fixing survey stones within a stipulated time.

For Petitioner : Mr.S.Sounthar

For Respondents: Mr.R.Vijayakumar

Additional Government Pleader

ORDER

Heard Mr.S.Sounthar, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner seeks for a issuance of Writ of Mandamus to direct the 4th respondent to survey the land of the petitioner in survey numbers 85/1 and 85/3 situated in Kandamangalam Village, Villupuram District.

3. Initially the Survey no.85 was an undivided property and subsequently, the same was sub-divided as 85/1, 85/2 and 85/3. The sub-division has been conducted by the authorities and separate patta has been granted to the petitioner. It is seen that the land in Survey no.85/2 was the subject matter of land acquisition proceedings and declaration under section 6 of the Act was issued in G.O.(3D) No.35, Backward classes and Most Backward classes welfare department dated 17.04.1996 published in the Tamilnadu Government Gazettee dated 17.04.1996.

4. From the schedule to the Gazettee notification it is seen that property which is the subject matter was R.S.No.85-2. The petitioner would state that in respect of the survey nos. 85/1 and 85/3, the petitioner continues to remain as owner of the property and the sub-divided area has also been shown in the FMB sketch. Now, the petitioner seeks for survey and determination of the boundaries of the petitioner's land from that of the land acquired by the Government, in pursuant to afore mentioned notification, a representation dated 14.02.2015 has been submitted to the authorities, since no action has been taken, the petitioner is before this Court.

5. In the light of the above facts, without going into the merits of the petitioner's contention, there shall be a direction to the respondents 3 and 4 to consider the representation and effect survey of the property and demarcate the petitioner's and delineate the concerned area from that of the land which were acquired by the Government vide aforementioned order. The said direction shall be complied with by the respondents 3 and 4 within a period of eight weeks from the date of receipt of copy of this order.

6. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar
Dated:12.3.15

True Copy

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Villupuram
2. The Tahsildar (Head Quarters)
Taluk Office, Villupuram.
3. The Special Tahsildar (Adi Dravida Welfare)
Villupuram Main Road, Opposite to Church,
Villupuram.
4. The Chief Surveyor,
Taluk Office, villupuram.

+1 cc to Government Pleader, SR.12955

+1 cc to Mr.S.Sounthar, Advocate, SR.12687.

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krd 13/3

W.P.No.6118 of 2015



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