

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7090 of 2015 & MP.Nos.1 and 2 of 2015

N.Sivanandham Serumadar

..

Petitioner

Versus

1. The District Collector,
Tiruvavur District
Tiruvavur - 610 001.
2. The Assistant Director of Land Survey,
District Collectorate,
Tiruvavur - 610 001.
3. The Tahsildar,
Mannargudi Taluk,
Mannargudi - 614 001.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of CERTIORARIFIED MANDAMUS calling for the proceedings of the 2nd respondent made in Na.Ka.B2/5981/2013 dated 18.01.2014 and quash the same consequently direct the 2nd respondent herein to re-survey the properties comprised in Survey Nos.576/17 and 581/8 of Karakkottai Village, Mannargudi Taluk, Tiruvavur District and furnish the reports of the earlier survey dated 20.03.2013 and 24.09.2013.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.V.Jayaprakash Narayanan, Spl. GP

ORDER

Heard Mr.S.Thirumavalavan, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice on behalf of the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2. The petitioner has filed this Writ Petition praying for a writ of certiorarified mandamus to quash the order passed by the 2nd respondent dated 18.01.2014 and to direct the 2nd respondent to re-survey the properties comprised in Survey Nos.576/17 and 581/8 of

Karakkottai Village, Mannargudi Taluk, Tiruvarur District and furnish the reports of the earlier survey dated 20.03.2013 and 24.09.2013 respectively.

3. During the course of argument, the learned counsel for the petitioner restricted the relief sought for in the Writ Petition by submitting that the survey having been conducted earlier by the 2nd respondent, a copy of the Survey Report has to be furnished to him to work out his rights in the manner known to law. According to the petitioner, if there is any error in the survey, then the petitioner is entitled to prefer an appeal and without considering the request made by the petitioner to furnish copies of the reports of the survey already conducted, the 2nd respondent has passed impugned order stating that already survey has been conducted. In the impugned order, there is reference to the two representations given by the petitioner, one of such dated 16.09.2013 is enclosed in the typed set of papers. In the said representation, the petitioner has sought for a direction to survey the property, fix boundary stones and permit him to put up fence and there is no request made to the authority to furnish copy of the survey report. So far as the prayer made by the petitioner permitting him to put up the fence, obviously, the revenue authorities cannot grant any permission. However, if already survey has been conducted, then a copy of the survey report along with appropriate proceedings accompanying the report should be furnished to the petitioner so that the petitioner will know as regards the exact extent of the property and its boundaries and measurements.

4. Accordingly, there is no necessity to quash the impugned order and it would be suffice to direct the 2nd respondent to furnish copies of the survey report conducted on 24.09.2013.

5. In the result, the writ petition is disposed of by directing the 2nd respondent to furnish the survey report in respect of the survey conducted on 20.03.2013 and 24.09.2013 along with the necessary observations made by the surveyor during the course of survey. The above direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP/gya

To

1. The District Collector,
Tiruvarur District
Tiruvarur - 610 001.
2. The Assistant Director of Land Survey,
District Collectorate,
Tiruvarur - 610 001.
3. The Tahsildar,
Mannargudi Taluk,
Mannargudi - 614 001.

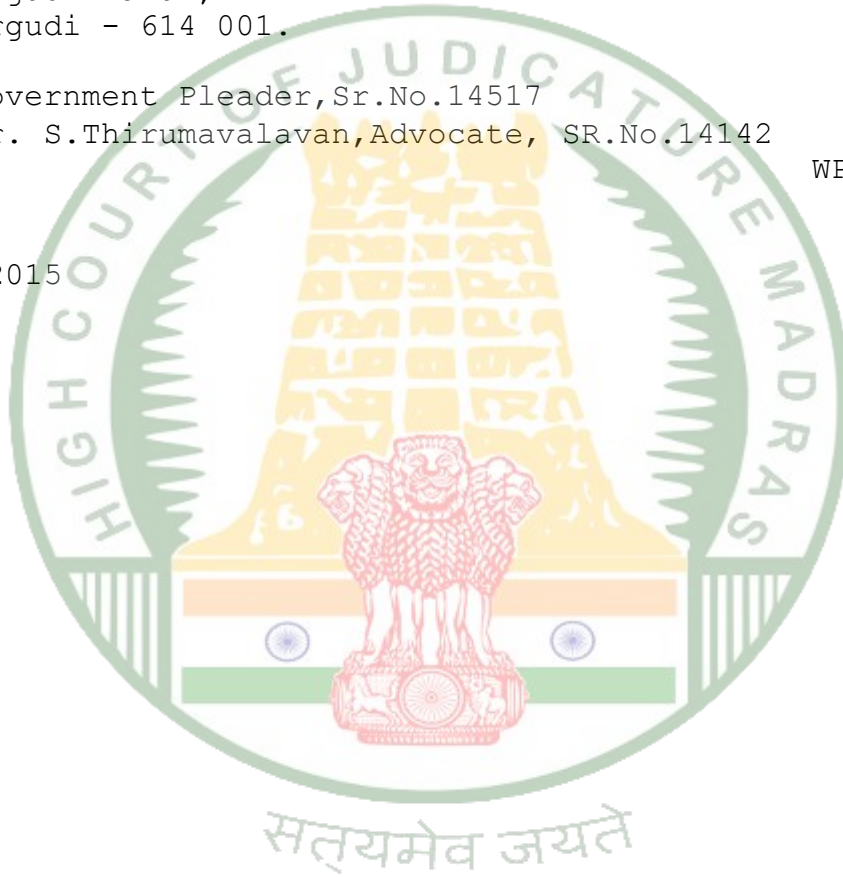
1 cc to Government Pleader, Sr.No.14517

1 cc to Mr. S.Thirumavalavan, Advocate, SR.No.14142

WP.No.7090 of 2015

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