

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.8400/2015 & MP.No.1/2015

- 1.V.P.Kodeeswaran
- 2.Mr.P.Ruckmangadhan
- 3.Mr.P.Jayachandran

... Petitioners

Versus

1. The Collector
Tiruvellore District, Tiruvellore.
2. The Tahsildar
Tirvellore Taluk, Tiruvellore.
3. The Assistant Director of Survey
Collector Office
Tiruvellore District, Tiruvellore.
4. The Head Surveyor
Trivellore Taluk, Trivellore District.
5. The Executive Engineer
Building and Maintenance
Tirvellore Division, Public Works
Department, CTR Road, Trivellore.
6. The Joint Director
Department of Animal Husbandry
Trivellore District, Trivellore.

7. Mrs.Indira Varadharajan

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 4 to correct the measurements in FMB in the S.No.495/2 of No.99 Papparambakkam village, Tiruvellore Taluk and Tiruvellore District u/s.10[1] of the Land Survey and Boundaries Act, 1923 on the representation given to the respondents 1 and 2 on 03.01.2014 and 21.01.2014.

For Petitioners : Mr.S.Chandra Baskaran

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

Heard Mr.S.Chandra Baskaran, learned counsel for the petitioners and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice for the respondent and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioners have filed this writ petition seeking for issuance of a writ of mandamus to direct the respondents 1 to 4 to correct the measurements in the FMB insofar as it relates to S.No.495/2 by initiating action u/s.10[1] of the Land Survey and Boundaries Act, 1923 by considering their representations dated 03.01.2014 and 21.01.2014.

3.Since the writ petition is disposed of at the admission stage, notice to the 7th respondent is dispensed with and the merits of the allegations made by the petitioners as against the 7th respondent are not gone into and it is left open to the respondents 1 to 4 to take note of the same.

4.The petitioners have submitted several representations and last of which has been given to the Head Surveyor on 15.01.2015. The petitioners case is that they are the registered land owners of the land in question and Patta No.211 has been granted for the said property measuring an extent of 0.66 cents. The petitioners have made certain allegations against the 7th respondent/the President of the Village Panchayat, Mrs.Indira Varadharajan, stating that she is attempting to encroach into the petitioners' patta land claiming that it is the Panchayat land. In the representations made, the same has been mentioned. Now the petitioners have requested the Tahsildar and the Head Surveyor to measure the boundaries of the land and for which purpose, necessary fees has also been remitted by the petitioners. Since the representation is pending before the authorities concerned, this Court is of the view that the authorities should consider the representation on merits and in accordance with law.

5.Accordingly, without going into the correctness of the allegations made by the petitioner, there will be a direction to the 2nd respondent to consider the petitioners' representation dated 03.01.2015, take note of the facts pleaded therein and after issuing notice to the petitioners and to the President of the Village Panchayat, the 7th respondent herein and after hearing the parties in

person, shall pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. If there is no other legal impediment, the 2nd respondent shall also order for a survey of the property in the presence of the petitioner and the 7th respondent so as to bring an end to the controversy.

6.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

AP

Sub Assistant Registrar

To

1. The Collector
Tiruvellore District, Tiruvellore.
2. The Tahsildar
Tirvellore Taluk, Tiruvellore.
3. The Assistant Director of Survey
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4. The Head Surveyor
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Building and Maintenance
Tirvellore Division, Public Works
Department, CTR Road, Trivellore.
6. The Joint Director
Department of Animal Husbandry
Trivellore District, Trivellore.

+2cc's to Mr.S.Chandra Baskaran, Advocate, S.R.No.16764
+1cc to the Government Pleader, S.R.No.16998

WP.No.8400/2015

KJI (CO)
CA(31/03/2015)