



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.16699 of 2015

WEB COPY

Rathinam

...Petitioner

Vs.

1.The District Collector,
Trichy District.

2.The Assistant Director,
Land Survey Department,
Collectorate, Trichy.

3.The Revenue Divisional Officer,
Musiri, Trichy District.

4.The Tahsildar,
Taluk Office,
Turaiyur Taluk,
Trichy District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to take necessary action to rectify the mistake committed in Survey FMB sketch in S.No.346 in Balakrishnampatti Village, Turaiyur Taluk, Trichy District by considering the petitioner's representation, dated 02.09.2014.

For petitioner	: Mr.N.Mohan
For Respondents	: Mr.A.Muthukaruppan, Additional Government Pleader

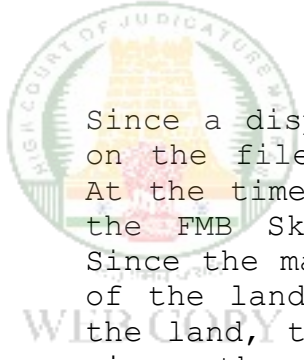
ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to take necessary action to rectify the mistake committed in Survey FMB sketch in S.No.346 in Balakrishnampatti Village, Turaiyur Taluk, Trichy District by considering the petitioner's representation, dated 02.09.2014.

2. Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. The case of the petitioner is that the petitioner's property is situated in Old Survey No.222 and the same is sub-divided into Survey Nos.220, 344, 345, 346, 347 and 348. The petitioner's property is sub-divided into Survey Nos.347 and 348. The petitioner's house is situated on the southern side of S.No.347, which touches S.No.348.



Since a dispute arose, the petitioner filed a suit in O.S.No.142 of 1998 on the file of the District Munsif Court, Turaiyur seeking injunction. At the time of sub-division, the Revenue Authorities had wrongly drawn the FMB Sketch with regard to S.No.346 showing the North as South. Since the map is wrongly drawn, it has not tallied with the real position of the land. Though the civil Court directed the Authorities to survey the land, they went to the spot and returned without surveying the land since the FMB sketch is wrong. For the past seven years, the petitioner's request for surveying the land is pending. Finally, the petitioner made representation to the respondents on 02.09.2015 requesting them to rectify the mistake which crept in FMB sketch in respect of Survey No.346. Since the same was not considered so far, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, the petitioner is directed to give a fresh representation to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order and on receipt of the same, the fourth respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law by affording an opportunity of hearing to all the necessary parties, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the fourth respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector, Trichy District.
- 2.The Assistant Director, Land Survey Department, Collectorate, Trichy.
- 3.The Revenue Divisional Officer, Musiri, Trichy District.
- 4.The Tahsildar, Taluk Office, Turaiyur Taluk, Trichy District.

+one cc to M/s.N.Mohan, Advocate in SR.No.54377

+one cc to The Special Government Pleader, SR.No. 55214

W.P (MD) .No.16699 of 2015
15.09.2015

pm

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