

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 25.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11843 of 2016 &

W.M.P.No.10215 of 2016

A.Chandran

.. Petitioner

Versus

1.The District Collector,
Thiruvarur District,
Thiruvarur.

2.The Revenue Divisional Officer,
Mannargudi,
Thiruvarur District.

3.The Tahsildar,
Mannargudi,
Thiruvarur District.

4.The Block Development Officer,
Mannargudi,
Thiruvarur District.

5.The Village President,
Edayarembathi Village,
Mannargudi Taluk,
Thiruvarur District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to forbear the fifth respondent herein from measuring the lands of the petitioner in S.No.76/5B2 at No.147, Edayarembathi Village, Mannargudi Taluk, Thiruvarur District.

For Petitioner : Mr.A.Muthukumar

For Respondents : Mr.R.Rajeswaran
Special Government Pleader for R1 to R3

Mr.P.Sanjay Gandhi
Additional Government Pleader for
R4 & R5

O R D E R

Heard Mr.A.Muthukumar, learned counsel appearing for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader, accepting notice on behalf of the respondents 1 to 3 and Mr.P.Sanjay Gandhi, learned Additional Government Pleader, accepting notice on behalf of the fourth respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this above Writ Petition for issuance of a Writ of Mandamus to forbear the fifth respondent herein from measuring the lands of the petitioner in Survey No.76/5B2 at No.147, Edayarembathi Village, Mannargudi Taluk, Thiruvarur District.

3. The petitioner's case is that he had purchased an extent of 3 acres 78 cents in Survey No.76/4 at No.147, Edayarembathi Village, Mannargudi Taluk, Thiruvarur District, by a registered sale deed dated 15.12.1972 and he has been in possession and enjoyment of the same ever since the date of purchase. Subsequently, the Survey Number of the property was re-numbered as S.No.76/5B2. Out of the total extent of land purchased by the petitioner, an extent of 67 cents was acquired for providing house sites for Adi Dravidars.

4. The petitioner did not challenge the acquisition proceedings, but was aggrieved by the compensation fixed by the Land Acquisition Officer and sought for reference to the Civil Court and subsequently, after the Reference Court passed Judgment, the petitioner filed an Appeal before this Court. The compensation was increased initially by the Reference Court and subsequently by this Court in the First Appeal. After the acquisition proceedings had been completed, the re-Survey No.76/5B1, which was acquired by the Government, was assigned for the purpose of providing house sites for Adi Dravidars, and the remaining lands in Survey No.76/5B2 owned by the petitioner was assigned to him.

5. The petitioner's grievance is that the fifth respondent, who is the Village President has taken law into his hands and attempted to measure the petitioner's property. This according to the petitioner is wholly without jurisdiction. In this regard, the petitioner referred to the information furnished under the Right to Information Act by the Revenue Officials stating that no permission has been granted to any person to measure the property. Even before this Court, no material has been placed by the fifth respondent to show that he has been authorized by the Revenue Authorities viz., respondents 2 and 3 for measuring the property.

6. In the light of the same, this Court is of the view that the present action of the fifth respondent is without jurisdiction. However, it is made clear that if the property requires to be measured, then it is for Revenue Authorities viz., respondents 3 and 4 to take action and that can be done after following due process of law.

7. In the light of the above, the Writ Petition is allowed as prayed for with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(co)

True Copy

Sub-Assistant Registrar

r n s

To

1.The District Collector,
Thiruvarur District,
Thiruvarur.

2.The Revenue Divisional Officer,
Mannargudi,
Thiruvarur District.

3.The Tahsildar,
Mannargudi,
Thiruvarur District.

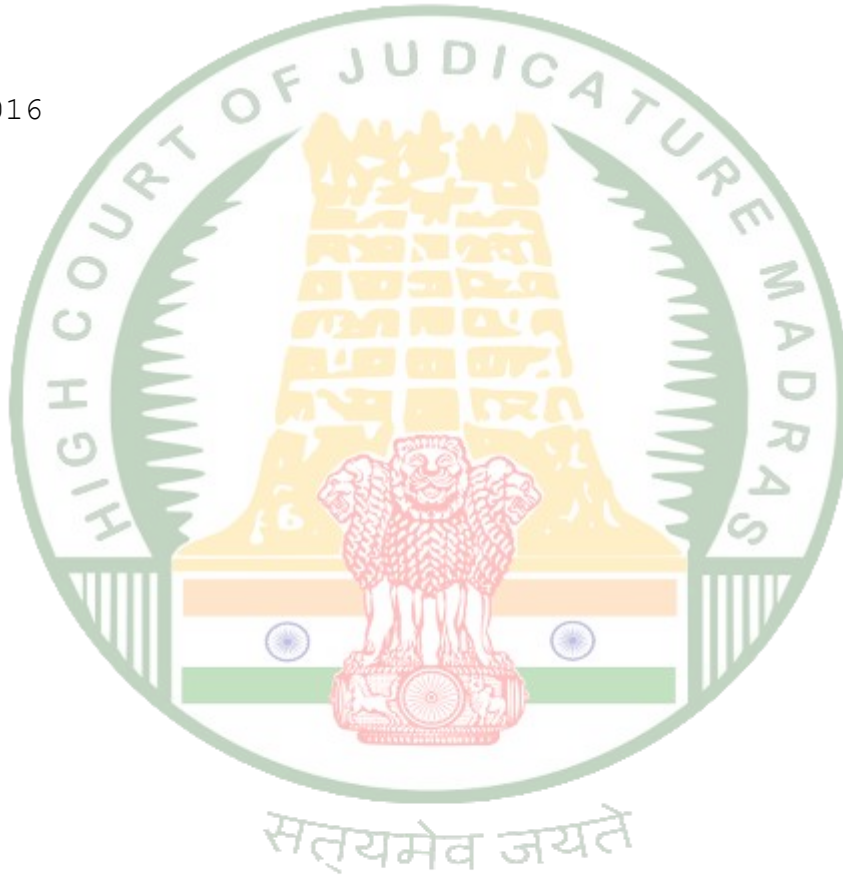
4.The Block Development Officer,
Mannargudi,
Thiruvarur District.

5.The Village President,
Edayarembathi Village,
Mannargudi Taluk,
Thiruvarur District.

+1 cc to Mr.A.Muthukumar Advocate sr.25479
+1 cc to the Government Pleader sr.25841

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