

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.4.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.15420 of 2016

Mr. Jayavel

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Kumaran Road, Tirupur 641 601.
2. The Tahsildar,
Tirupur South Tahsildar Office,
Pazhavanchipalayam, Tirupur.
3. Mr. Rathinasamy,
Muthanampalayam,
Tirupur 641 608.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to initiate action for survey and measure the lands in S.F.No.188/1A, Muthanampalayam Village with the help of the Police Authorities and also to take legal action against the 3rd respondent for preventing the officials of the 1st and 2nd respondent from surveying the lands.

For Petitioner : Mr.S.S.Swaminathan

For Respondent : Mr.V.Jayaprakash Narayanan
Spl. Govt. Pleader (R1&R2)

O R D E R

The petitioner has come forward with this Writ Petition seeking for a mandamus upon the 1st and 2nd respondents to initiate action for survey and measure the lands in S.F.No.188/1A, Muthanampalayam Village with the help of the Police Authorities and also to take legal action against the 3rd respondent for preventing the officials of the 1st and 2nd respondent from surveying the lands.

2. The case of the petitioner, in brief, is as follows;

(i) The petitioner herein along with his friends viz., 1) Rakkappan and 2) Jane Austin have jointly purchased a property measuring acre 1.00 out of property measuring an extent of Acre 4.19, comprised in S.F.No.188/1A, Muthanampalayam Village, Thirupur South Taluk under a registered sale deed bearing Document No.2364 of 2015. The 2nd respondent viz., the Tahsildar, Tiurpur South Tahsildar Office, Pazhavanchipalayam, Tirupur, by accepting the sale in favour of petitioner and others issued orders for mutation in revenue records by the Village Administrative Officer, Muthanampalayam and in pursuance of which, the Village Administrative Officer, Muthanampalayam Village issued a report dated 10.4.2015 recognizing the joint entitlement by the petitioner and others based on the said sale deed.

(ii) At the time of purchase, the petitioner and his friends have not measured and effected partition of the property purchased by them. Hence the petitioner made an application before the 2nd respondent to survey and measure the land in S.No.188/1A, Muthanampalayam Village in Patta No.134 in order to measure and effect partition with respect to petitioner's share and paid the requisite charges also.

(iii) The 2nd respondent issued a notice to the petitioner on fixing the date for survey of the land on 29.7.2015 at 10.a.m., and accordingly the petitioner was present on 29.7.2015. When the 2nd respondent along with his officials attempted to inspect and survey the said land, the 3rd respondent who is residing in the nearby area prevented the Government officials from surveying and measuring the said land with the help of his henchmen and thereby created chaos and confusion, due to which, the Government Officials left that place without surveying and measuring the land.

(iv) Therefore, the petitioner sent a detailed letter on 3.2.2016 to the 1st respondent viz., The Revenue Divisional Officer, Tirupur, about the above said incidents and requested him to take action against the 3rd respondent as per law and also to survey and measure his land. Even though the 1st respondent received the said letter, no action has been initiated so far. As there was no response for nearly a month, again he sent a representation dated 3.4.2016 to the 1st respondent seeking to survey and measure his land with the help of Police Protection and to take action against the 3rd respondent, if necessary. Since the 1st respondent has not evinced any interest on the representations given by the petitioner, left with no other alternative, the petitioner has filed the present Writ Petition.

3. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of respondents 1 and 2.

4. Learned counsel for the petitioner submitted that though this writ petition has been filed seeking for a larger relief, it would suffice if the representation of the petitioner dated 3.4.2016 would be considered and necessary orders be passed by the respondent within a time limit that may be fixed by this court.

5. In view of the submissions of learned counsel for petitioner, this Court, in the interest of justice, without going into the merits of the case, directs the 1st respondent to consider the representation of the petitioner dated 3.4.2016 and conduct enquiry by way of affording an opportunity of personal hearing to the petitioner as well as to the third respondent herein and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the 1st respondent to decide the matter purely on merits.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

msr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Kumaran Road, Tirupur 641 601.

2. The Tahsildar,
Tirupur South Tahsildar Office,
Pazhavanchipalayam, Tirupur.

+ 1 cc to Mr.S.S.Swaminathan, Advocate Sr 26053

+ 1 cc to The Govt.Pleader, Sr 26321

KR/2/6/16

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