

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8461 of 2013
and M.P.No.1 of 2013

R.Dhakshayani

... Petitioner

vs.

1.The District Collector,
District Collector,
Vellore.

2.The Tahsildar,
Taluk Office,
Arakkonam-10.

3.The Revenue Divisional Officer,
Ranipettai.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorari to call for the entire records pertaining to the proceedings dated 11.10.2011 made in reference No.O.M/C6/9951/2011 of the second respondent with regard to the lands comprised in Survey No.140/2, 140/2A and 140/3 bearing Plot Nos.17, 18, 19, 20, 40, 41, 42, 45 and 46 of Nedumpuli Village, Arakkonam Taluk, Vellore District and to quash the same.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader

ORDER

The petitioner has come up with the present writ petition, challenging the proceedings of the second respondent dated 11.10.2011 made in reference No.O.M/C6/9951/2011 with regard to the lands comprised in Survey No.140/2, 140/2A and 140/3 bearing Plot Nos.17, 18, 19, 20, 40, 41, 42, 45 and 46 of Nedumpuli Village, Arakkonam Taluk, Vellore District.

2. It is the case of the petitioner that she purchased the lands bearing Plot Nos.17, 18, 19, 20, 40, 41, 42, 45 and 46 of Nedumpuli Village, Arakkonam Taluk, Vellore District and she is in possession and enjoyment of the said lands from the date of purchase. When she approached the respondents for issuance of patta in her favour for the aforesaid lands, the respondents had informed her that her lands fall in Survey No.140/3 and not in Survey No.140/2A. In Survey No.140/3, 36 persons are owning their lands and the lands of the petitioner are not in Survey No.140/3. This confusion can be cleared only if the survey of the lands is properly made. In this regard, the petitioner made a representation to the second respondent as early as on 12.9.2011. But, the same was not considered. Again, on 25.9.2011, she made another representation and the same was also not considered. When she approached the Surveyor, he informed the petitioner that the correct survey number is 140/2 and not 140/2A. Hence, the petitioner executed necessary rectification deeds. Thereafter, the petitioner also got the necessary rectification deeds executed pursuant to the mistake pointed out by the second respondent. Even after rectifying the mistake, the second respondent has not issued patta in favour of the petitioner stating that her lands fall only in Survey No.140/3 and not in Survey No.140/2A. Hence, the petitioner made a complaint to the Chief Minister's Cell on 11.6.2011. Thereafter, by the impugned proceedings dated 11.10.2011, the second respondent informed that Survey No.140/2 was sub divided and while making the sub division, the lands purchased by the petitioner fell in Survey No.140/3 and therefore, unless and until rectification to that effect is made, patta will not be issued to the petitioner. Challenging the same, the present writ petition has been filed.

3. Today, the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that only if a survey is conducted, the lands of the petitioner would be clearly identified. According to the petitioner, the lands bearing Plot Nos.17, 18, 19, 20, 40, 41, 42, 45 and 46 of Nedumpuli Village, Arakkonam Taluk, Vellore District, fall in Survey No.140/2 and not in Survey No.140/3. However, the learned Special Government Pleader appearing for the respondents denies same.

4. In view of the said submission made by the learned counsel on either side, I am of the opinion that if survey of the lands of the petitioner is conducted, it will help to clear the confusion as to in which survey number the petitioner's lands are situated and hence, I am of

the opinion that no prejudice would be caused if the lands of the petitioner are surveyed.

5. Hence, the impugned proceedings of the second respondent dated 11.10.2011 made in reference No.O.M/C6/9951/ 2011 with regard to the lands comprised in Survey No.140/2, 140/2A and 140/3 bearing Plot Nos.17, 18, 19, 20, 40, 41, 42, 45 and 46 of Nedumpuli Village, Arakkonam Taluk, Vellore District, are set aside and the writ petition is allowed. The second respondent is directed to conduct survey of the petitioner's lands by a qualified Surveyor, by issuing notice to the petitioner as well as to the necessary parties, if any, and identify the correct survey number of the lands of the petitioner. The entire exercise shall be carried out within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

sbi

To

1.The District Collector,
District Collector,
Vellore.

2.The Tahsildar,
Taluk Office,
Arakkonam-10.

3.The Revenue Divisional Officer,
Ranipettai.

1 cc to Mr.K. Rajasekran, Advocate, Sr. 21936
1 cc to Government Pleader, Sr. 22213

W.P.No.8461 of 2013

TEJ (CO)
kk 26/4