

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21151/2016 and

WMP No.18089/2016

1.B.Govindasamy
2.D.Raguram
3.V.Rajaram
4.M.Rathinam
5.M.Velmurugan
6.Jayanthi
7.C.Raviraman
8.P.Munisamy
9.K.Govindasamy
10.Sulliammal
11.K.Nandan
12.C.Dhayalan
13.Muniammal
14.K.Kasi

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Petitioners

Versus

1.The District Collector
Sathuvachary, Vellore District.
2.The Tahsildar
Arcot Taluk, Vellore District.
3.The Revenue Inspector
Arcot Taluk, Vellore District.
4.The Taluk Head Surveyor
Arcot Taluk, Vellore District.
5.The Inspector of Police
Arcot Taluk Police Station
Vellore District.
6.Tmt.A.Rahimunnisa
7.Tmt.D.Indira
8.Tr.J.Inbaraj ..

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus forbearing the respondents from acquiring or measuring or disturbing with the peaceful possession and enjoyment of the

petitioners property situated in Dry Survey No.249-9.75 acres, Old.S.No.248/1, New S.No.248/1B-3.54 acres and S.No.250-0.11 ¼ acres at Dasipuram Village, Arcot Taluk, Vellore District except due process of law.

For Petitioners: Mr.A.Rajesh Kanna

For RR 1 to 5 : Mr.S.Navaneethan, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioners claim that they are in possession and enjoyment of the lands admeasuring to an extent of 9.75 acres in Survey No.249, 3.54 acres in Old S.No.248/1, New S.No.248/1B and 0.11 ¼ acres in S.No.250, situated at Dasipuram Village, Arcot Taluk, Vellore District and according to the petitioners, even prior to the assignment granted in their favour on 22.10.2008, they are in possession and enjoyment of the same. The grievance expressed by the petitioners appear to be that the respondents 6 to 8 are trying to grab the properties and they also approached the 2nd respondent for surveying and measuring the properties in S.Nos.248/1B and 249 situated at Krishnapuram Colony, Dasipuram Village, Arcot Taluk, Vellore District and in the light of the dispute between them, the Tahsildar may not survey and measure the properties. The petitioners in this regard, have also submitted a representation dated 13.06.2016 to the 1st respondent with a copy marked to the 2nd respondent and since it has not been given disposal, they came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.S.Navaneethan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 5.

4 Once a party approaches the jurisdictional officer for surveying and measuring the properties by paying the prescribed fee, the said officer is under obligation to perform his statutory duty and therefore, this Court cannot pass any interim order restraining the official concerned from performing his duty. The only relief that can be granted to the petitioners is in the event of the 2nd respondent surveys and measures the properties in S.Nos.248/1B and 249, at Krishnapuram Colony, Dasipuram Village, Arcot Taluk, Vellore District, the petitioners shall be put on notice and in the event of the 2nd respondent undertaking the said exercise, he should put the petitioners on notice and discharge his duties in accordance with law.

5 The writ petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Sathuvachary, Vellore District.

2.The Tahsildar
Arcot Taluk, Vellore District.

3.The Revenue Inspector
Arcot Taluk, Vellore District.

4.The Taluk Head Surveyor
Arcot Taluk, Vellore District.

5.The Inspector of Police
Arcot Taluk Police Station
Vellore District.

1 cc to Government Pleader, sr.34899

1 cc to Mr.A.Rajesh Kanna, Advocate, sr.34609

सत्यमेव जयते

W.P.No.21151/2016

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kra 13.07.2016

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