

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.3915 of 2013

and

M.P.No.2 of 2013

R.Thirunavukarasu

... Petitioner

Versus

1. The District Collector,
Salem, Salem District.
 2. The Assistant Director,
District Land and Survey Office,
Salem, Salem District.
 3. Divisional Forest Officer,
Idaipadukadukal
Salem 7, Salem District.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling upon the records of the 2nd respondent in and by his proceedings Mu.Mu.Mu.Tha.Pi.Manu 44/2013 dated 22.6.2013 and quash the same and consequently directing the respondents to measure the petitioner's land situated in R.S.No.308/2 Ollaipatty Village, Mettur Taluk, Salem District and fix the boundary as per revenue records.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents : Mr.R.Govindasamy
Special Government Pleader

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O R D E R

The case of the petitioner is that the land in R.S.No.308/2, in Ollaipatty Village, Mettur Taluk, Salem District was allotted to his father in recognition of his service in the Military. After the demise of his father the petitioner is in possession and enjoyment of the said land. The petitioner had sought for change of patta in his name and by an order dated 05.10.2009, the Tahsildar II, Mettur, had changed the patta in the name of

the petitioner. Subsequently the petitioner had requested the respondents to survey the land. Pursuant to the petitioner's request the Revenue Surveyor and Forest Officials conducted a joint inspection on 15.12.2010 to measure the land. However, since the land was filled with thorny bushes, the officials were not able to measure the land and therefore, the impugned order dated 22.06.2012 came to be passed. Challenging the said order the petitioner is before this Court.

2. Heard Mr.A.Sundaravadhanan, learned Counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader appearing on behalf of the respondents.

3. The problem to survey the land seems to be a practical issue as the respondents cannot enter and measure, the lands that are covered with bushes and thick-growings. In view of this physical condition of the land the respondents are justified in expressing their difficulty to enter the land though they are willing to survey the land. The learned counsel for the petitioner, at this juncture would submit that the petitioner, at his own expense will remove all the bushes and wild-growths inside his land to enable the Revenue officials to conduct the Survey.

4. The learned Special Government Pleader would also submit that if the bushes and thorns are removed and the land made accessible, then survey would be conducted by the officials in the presence of the petitioner.

5. Under these circumstances there shall be a direction to the 2nd respondent to measure the petitioner's land situated in R.S.No.308/2, in Ollaipatty Village, Mettur Taluk, Salem District and fix boundaries as per the revenue records. This exercise shall be conducted in the presence of the 3rd respondent officials and completed within a period of two weeks from the date the petitioner makes the land accessible. The petitioner is directed to inform the 2nd respondent in writing about the cleared land with a request to survey the land.

6. With the above observation and direction the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

jv

To

1. The District Collector,
Salem, Salem District.
2. The Assistant Director,
District Land and Survey Office,
Salem, Salem District.
3. The Divisional Forest Officer,
Idaipadukadukal
Salem 7, Salem District.

+lcc to Mr.A.Sundaravadhanan, Advocate, S.R.No.62072

+lcc to the Government Pleader, S.R.No.62500

W.P.No.3915 of 2013

SR(CO)
CA(01/12/2016)



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