

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.3619 of 2016

1 M.K.Varadhan ... Petitioner
Vs.

1 The Commissioner
Office of the Commissioner of Land Reforms
Chepauk, Chennai-5

2 The District Collector
Thiruvannamalai Collectorate Office
Thiruvannamalai

3 The Revenue Divisional Officer
Cheyyar Taluk, Cheyyar
Thiruvannamalai District

4 The Tahsildar (Land Survey)
Cheyyar Taluk, Cheyyar
Thiruvannamalai District ... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to issue land survey register, patta and sketch in respect of remaining land of the petitioner, measuring an extent of 1354 Sq.ft. comprised in Survey Number 442/3B, Ward No.A, Block No.12, T.S.No.12/12A, 12C at Kodanagar Village Thiruvathipuram, Cheyyar Town, Cheyyar Taluk, Thiruvannamalai District.

For Petitioner : Mr.V.Manisekaran
For Respondents : Mr.R.A.S.Senthil Vel
Additional Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to issue land survey register extract, patta and sketch in respect of land of the petitioner, measuring an extent of 1354 Sq.ft. comprised in Survey Number 442/3B, Ward No.A, Block No.12, T.S.No.12/12A, 12C at

Kodanagar Village Thiruvathipuram, Cheyyar Town, Cheyyar Taluk, Thiruvannamalai District.

2. The case of the petitioner is that he purchased the property, measuring an extent of 2430 Sq.ft at Kodanagar Village, Cheyyar Town and Taluk, Thiruvannamalai District, comprised in Survey No.442/3B, Ward No.A, Block No.12, T.S.No.12/12A, 12C, from one Dharman, by a registered Sale Deed bearing Document No.1294/76 dated 11.8.1976, registered in the office of Thiruvathipuram Sub Registration Office. The petitioner is in peaceful possession and enjoyment of the same. While so, the 3rd respondent, viz., Revenue Divisional Officer, initiated land acquisition proceedings for acquiring 783.5 Hectares (19.30 Acres) at Kodanagar Village and Thiruvathur Village, Cheyyar Taluk, for formation of by-pass road to Thiruvathipuram, as per request made by the Divisional Engineer, Highways and Rural Works, Thiruvannamalai. After initiation of acquisition proceedings and after complying the formalities, award was passed on 16.7.2001 by the third respondent. In the said land acquisition proceedings, out of 2430 sq.ft, the petitioner's plot comprising 1076 sq.ft., was acquired by the respondent, and the award amount of Rs.26,675/- was also sanctioned to him. The remaining land of 1354 Sq.ft., is in peaceful possession and enjoyment of the petitioner. Hence, the petitioner has requested the third respondent to issue Town Survey Land Register abstract, sketch and patta for the said property comprising 1354 Sq.ft. The third respondent issued the same in respect of property comprising 555 Sq.ft. For the remaining 799 Sq.ft, the petitioner was asked to get clarification from the Highways Department. In this regard, several representations were made by the petitioner. In fact, on 7.9.2015, the petitioner made a request to the Director, Land and Estate, Ezhilagam to issue extract, sketch and patta for the total extent of 1354 sq.ft. The Director forwarded the same to the Commissioner of Land Reforms, first respondent herein and a copy of the same was also furnished to the petitioner on 4.11.2015. The petitioner also made a separate representation to the respondents on 13.01.2016. But, till date, no positive result is forthcoming. Hence, the petitioner has approached this Court with the aforesaid prayer.

3. Heard the learned counsel for the petitioner and Mr.Mr.R.A.S.Senthil Vel, learned Additional Government Pleader appearing on behalf of the respondents.

4. Considering the aforesaid factual aspects, the first respondent is directed to forward the representation of the petitioner dated 7.9.2015 to the third respondent, who in turn shall consider the said representation seeking land survey

register extract, patta and sketch in respect of land of the petitioner, measuring an extent of 1354 Sq.ft. comprised in Survey Number 442/3B, Ward No.A, Block No.12, T.S.No.12/12A, 12C at Kodanagar Village Thiruvathipuram, Cheyyar Town, Cheyyar Taluk, Thiruvannamalai District and after affording an opportunity of personal hearing to the petitioner as well as to the necessary parties and pass an appropriate order, on merits and in accordance with law. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner,
Office of the Commissioner of Land Reforms,
Chepauk, Chennai-5.
- 2 The District Collector,
Thiruvannamalai Collectorate Office,
Thiruvannamalai.
- 3 The Revenue Divisional Officer,
Cheyyar Taluk, Cheyyar,
Thiruvannamalai District.
- 4 The Tahsildar (Land Survey),
Cheyyar Taluk, Cheyyar,
Thiruvannamalai District.

+1cc to Mr.V.Manisekaran, Advocate, S.R.No.6724
+1cc to the Government Pleader, S.R.No.6902

W.P.No.3619 of 2016

kk(CO)
srg(16/02/2016)