

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4027 of 2016

M.Ganesan

.. Petitioner

Vs.

1.The District Collector
Salem District.

2.The Revenue Divisional Officer
Attur Taluk, Salem District.

3.The Tahsildar
Attur Taluk, Salem District.

4.The District Surveyor
Survey Department
Salem Collectorate Office
Salem District.

5.The Taluk Surveyor
Survey Department
Attur Taluk, Salem District.

6.Govindan
7.Kalian

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to survey the land with the help of the respondents 4 and 5 on the northern side of S.No.61/2 and the western side of S.No.61/1, Kattukottai village, Thenutruvari, Attur Taluk, Salem District as per the FMB sketch, and as per A and B stones and as per the request made by the petitioner dated 7.12.2015.

For Petitioner : Mr.K.K.Senthilvelan

For Respondents : Mr.M.Dig Vijayapandian
Addl.Govt.Pleader

O R D E R

With the consent of both sides, this Writ Petition is taken up for final disposal.

2. This Writ Petition has been filed to direct the respondents 1 to 3 to survey the land with the help of the respondents 4 and 5 on the northern side of S.No.61/2 and the western side of S.No.61/1, Kattukottai village, Thenutruvari, Attur Taluk, Salem District as per the FMB sketch, and as per A and B stones and as per the request made by the petitioner dated 7.12.2015.

3. The petitioner is owning the agricultural land in S.Nos.61/2 and 68/2 of Kattukottai Village measuring an extent of 4.85 acres. The said property was purchased by the petitioner's father in the year 1959 by way of registered sale deed and after death of the petitioner's father, the petitioner is in possession and enjoyment of the property. The revenue records also stand in the name of the petitioner. The respondents 6 and 7, who are the adjacent land owners in S.No.61/1 frequently making disturbance to the petitioner to use the common pathway. Hence the petitioner made a complaint to the local police station, and the same was also pending in CSR No.217 of 2015.

4. The petitioner, in order to avoid dispute, requested the respondents 1 to 3 to survey his lands. He has also paid necessary fee for the same. The Subordinates of the respondents 4 and 5 measured the petitioner's land without identifying the A and B stones and not as per the FBM Sketch. Therefore, the petitioner made representations to the respondents 1 to 3 on 28.07.2015 and on 07.12.2015 requesting to direct the respondents 4 and 5 to survey the land on the northern side of S.No.61/2 and the western side of S.No.61/1, Kattukottai village, Thenutruvari, Attur Taluk, Salem District as per the FMB sketch, and as per A and B stones. In spite of the same, no action was taken, hence the petitioner has come up with the present Writ Petition.

5. Since the Writ Petition is being disposed of without notice to the 6th and 7th respondents, the merits of the claim made by the petitioner are not gone into.

6. Considering the submissions on either side, this Court directs the 3rd respondent to pass appropriate orders to survey the land with the help of the respondents 4 and 5 on the northern side of S.No.61/2 and the western side of S.No.61/1, Kattukottai village, Thenutruvari, Attur Taluk, Salem District as per the FMB sketch, and as per A and B stones after affording opportunity of personal hearing to the petitioner as well as to

the 6th and 7th respondents and also to any other parties within in a period of six weeks from the date of receipt of copy of this order.

7. It is made clear that this Court does not express any opinion with regard to the merit of the claim of the petitioner and it is open to the 3rd respondent to pass appropriate orders purely on merits.

8. With the above observation, this Writ Petition is disposed of. Consequently connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssd
To

1.The District Collector
Salem District.

2.The Revenue Divisional Officer
Attur Taluk, Salem District.

3.The Tahsildar
Attur Taluk, Salem District.

4.The District Surveyor
Survey Department
Salem Collectorate Office
Salem District.

5.The Taluk Surveyor
Survey Department
Attur Taluk, Salem District.

+1 cc to M/S.K.K.Senthil Velan Advocate sr.6864
+1 cc to Government Pleader sr.7199

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