

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6898 of 2016
and W.M.P.No.6122 of 2016

Govindaraj

... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by District Collector,
Office of the District Collector,
Krishnagiri District.

2.The Tahsildar,
O/o.The Tahsildar,
Krishnagiri Taluk and District.

... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to survey and demarcate the land in Village S.No.73 and 74, Ettikal Agaram Village, Krishnagiri District and fix the boundaries for the petitioner land which is 54.27 acres of land.

For Petitioner : Mrs.Selvi George

For Respondents : Mr P.Sanjay Gandhi,
Addl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to survey and demarcate the land in Village S.No.73 and 74, Ettikal Agaram Village, Krishnagiri District and fix the boundaries for his land, which is 54.27 acres of land.

3. It is the case of the petitioner that his grand father Kuppanna Gounder and one Tirupathi Gounder and Subramaniam had jointly purchased a property situated in Ettikal Agaram Village in Survey No.73, at Krishnagiri Taluk by a deed of sale dated 17.9.1957 registered as document No.3526/1957. The petitioner's vendors sold this property which is 54.27 acres of land with specific boundaries. The said three persons died and there are 23 legal heirs for them and the petitioner is one of the legal heirs and all are living in the said land by constructing houses. The said land measuring to an extent of 54.27 acres is an agricultural land. The application made by the petitioner for issuance of the patta for the said land is pending with the Government. While so, he came to know that a part of the said land was entered into the revenue record as Karadu. Further, he came to know that on 16.2.2016, the respondents issued a notification dated 8.2.2016 inviting tenders for stone quarry lease for ten years. In the said notification, along with other survey numbers, S.No.73 Part I, II and III are also included. S.No.73 Part I, II and III is not Parai as claimed by the respondents and it is an agricultural land owned by the petitioner and other legal heirs of Kuppanna Gounder, Tirupathi Gounder and Subramaniam. For the first time the said survey number is included for quarry lease. Since the petitioner's land is bounded on all the four sides with specific boundaries, he requested the respondents to survey and fix the boundaries for their land. But, the respondents did not take any action for the same. Hence, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a detailed representation to the second respondent seeking to survey and demarcate the land in Village S.No.73 and 74, Ettikal Agaram Village, Krishnagiri District and fix the boundaries for the petitioner land which is 54.27 acres of land, within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order and on receipt of the same, the second respondent is directed to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of six weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the claim

made by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

sbi
To

1.The District Collector,
Office of the District Collector,
Krishnagiri District.

2.The Tahsildar,
O/o.The Tahsildar,
Krishnagiri Taluk and District.

+1cc to Ms. Selvi George, Advocate, S.R.No.12714
+1cc to the Government Pleader, S.R.No.12189

CA(CO)
EU(16/03/2015)

W.P.No.6898 of 2016

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