



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.5657 of 2017

L.Chidhambaram

... Petitioner

Vs.

1.The Thasildar,
Devakottai Taluk,
Sivagangai District.

2.The Divisional Inspector of Surveyor,
Land Records,
Devakottai Division,
Sivagangai District.

3.S.Vaitheeswaran

4.VR.Arunachalam

5.CT.Ramanathan @ Kannan

6.CT.Meenakshisundaram

7.Tmt.Valliammai Achi

... Respondents

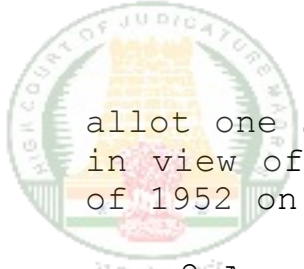
Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to measure the entire landed property in T.S.No.4, Block No.15, Town Survey Ward A, Kannankottai Group, Devakottai Town, Sivagangai District and divide the same as 3 equal lots and to allot one share to the petitioner to the extent of 6.52-3/4 Acres in view of the Receiver Report in I.A.No.589 of 1963 in O.S.No.97 of 1952 on the file of the Sub-Court, Devakottai.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.D.Muruganandham A.G.P
(for R1 and R2)

ORDER

This writ petition has been filed by the petitioner for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to measure the entire landed property in T.S.No.4, Block No.15, Town Survey Ward A, Kannankottai Group, Devakottai Town, Sivagangai District and divide the same as 3 equal lots and to



allot one share to the petitioner to the extent of 6.52-3/4 Acres, in view of the Receiver Report in I.A.No.589 of 1963 in O.S.No.97 of 1952 on the file of the Sub-Court, Devakottai.

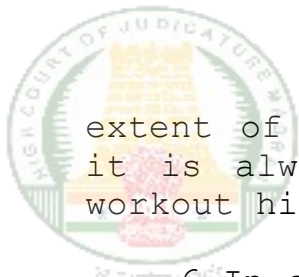
2. According to the petitioner, out of land in T.S.No.4, Block No.15, Town Survey Ward A, Devakottai Town, Sivagangai District, the middle lot was allotted to the petitioner under Judgment and Decree passed in O.S.No.97 of 1952. According to the petitioner, the land belonged to him is an extent of 6.7 Acres and therefore, he had requested the first respondent by way of representation dated 08.12.2015 to measure and fix the boundaries of his properties. Since there was no response, he approached this Court and filed the writ petition in W.P(MD)No.2337 of 2016. This Court, vide order dated 02.02.2016 was pleased to pass the following order:-

"7. In view of the above, the writ petition is disposed of directing the respondents to measure and fix the boundaries of the petitioner's property in the above said survey number and pass orders on the same on merits and in accordance with law, after affording an opportunity of hearing of other interested parties, if any. Such exercise shall be done by the second respondent within a period of three months from the date of receipt of a copy of this order"

3. In furtherance of the above direction passed by this Court, the first and second respondents measured the land on 13.02.2017 and thereafter, a report was submitted on 13.03.2017. During the survey, it was found that the property belonged to the petitioner has only an extent of 6.37 Acres and not to an extent of 6.52-3/4 Acres as claimed by the petitioner. Since the report submitted by the surveyor is not to the satisfaction of the petitioner, as there was a shortage of land available in the said survey numbers, the petitioner is before this Court seeking relief as stated supra.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

5. It is an admitted fact that in pursuance of the direction passed by this Court on 02.02.2016, the property belonging to the petitioner was surveyed by the authorities and it was found only an extent of 6.37 Acres was available and not to an extent of 6.52-3/4 Acres. When the report is prepared on the basis of Field Survey, the question of whether the fact of the actual measurement of the property cannot be decided by this Court, which is <https://hccersecourts.org/hccservices> jurisdiction under Article 226 of the Constitution of India. Such disputed question of fact cannot be resolved before this Court. In case, the petitioner has any grievance as to the



extent of availability of the land in the subject survey number, it is always open to him to approach the appropriate forum to workout his remedy in a manner known to law.

6. In such view of the matter, this writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(C)

/True Copy/

Sub-Assistant Registrar

To

1. The Thasildar,
Devakottai Taluk,
Sivagangai District.

2. The Divisional Inspector of Surveyor,
Land Records,
Devakottai Division,
Sivagangai District.

+1 CC TO MR.V.KANNAN,ADVOCATE,SR NO.19089

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.19283

skn
MAS/RR/SAR2:17.04.2017:3P-5C

W.P. (MD) No. 5657 of 2017
03.04.2017