

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.13950 of 2010

1.M.Balakrishnan
2.Shanmugam
3.Ganesan

... Petitioners

Vs

1.The Collector,
Kanchipuram District,
Kanchipuram.

2.The Divisional Revenue Officer,
The officer of the Divisional Revenue Officer,
Chengalpet.

3.The Tahsildar,
Thirukazhukundram Taluk,
Kancheepuram District.

4.Gowri

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the second respondent to measure petitioners land comprised in Survey No.423/17 and 423/18 as per the patta No.215 and Survey No.431/15 as per the patta No.171, situated at Village No.177, Neikuppam C-Village, Vengapakkam, Chengalpet Taluk, Kancheepuram District and demark the same with boundary stones.

For Petitioners : Mr.D.Ashok Kumar
For Respondents : Mr.T.M.Pappiah,
Special Government Pleader for RR1 to 3
: Mr.K.Goviganesan for R4

O R D E R

Heard Mr.D.Ashok Kumar, learned counsel for the petitioners and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondent Nos.1 to 3 and Mr.K.Goviganesan, learned counsel appearing for the fourth respondent.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The petitioners have approached this Court, seeking

the following relief:-

"To issue a Writ of Mandamus, to direct the second respondent to measure petitioners land comprised in Survey Nos.423/17 and 423/18 as per the patta No.215 and Survey No.431/15 as per the patta No.171, situated at Village No.177, Neikuppam C-Village, Vengapakkam, Chengalpet Taluk, Kancheepuram District and demark the same with boundary stones."

3. The case of the petitioners is as follows:-

According to the petitioners, the lands in Survey Nos.423/17 and 423/18, were in their possession and the superstructures were also assessed to tax by the local municipality and they have proper electricity connection and the electricity charges have also been paid periodically. They were also given Ration Card by the Tamil Nadu Civil Supplies Department.

4. According to the petitioners, the fourth respondent is in occupation of the neighbouring land. Both the petitioners as well as the fourth respondent were given patta in respect of the respective lands held by them. However, there appears to be a dispute as to the boundaries of the properties as between the petitioners and the fourth respondent. Therefore, the petitioners are constrained to approach this Court seeking direction to the third respondent to survey and fix the boundaries to their lands.

5. Upon notice, learned counsel appearing for the fourth respondent has filed a counter affidavit, in which, it is stated in paragraph No.5 that the lands were inspected on 24.03.2010, by the Surveyor and proper survey was conducted in the presence of the petitioners.

6. However, when the matter is taken up for final hearing today, the learned counsel for the petitioners expressed certain apprehension about the nature of survey conducted on that day and the correctness of the same. In the said circumstances, learned counsel wants this Court to issue direction to the second respondent to carry out one more survey in the presence of the petitioners, so that, any dispute in regard to the holding of the lands/properties as between the petitioners and the fourth respondent would be settled once and for all.

7. In response to the said request, learned Additional Government Pleader would submit that the third respondent may be directed to conduct the survey in any appointed day, so that, the issue can be given quietus.

8. After considering the above submissions of the learned

Counsel appearing for the parties, this Court is of the view

that in the fitness of things, the third respondent is to be directed to conduct the inspection and survey the subject lands under occupation of the petitioners as well as the fourth respondent and prepare the report and communicate the same to the parties. The third respondent shall issue notice to both the petitioners as well as the fourth respondent in regard to the date of inspection and conduct the survey in the presence of them and fix the boundaries of the properties in respect to both the petitioners as well as the fourth respondent in terms of the revenue records. The said exercise shall be initiated and completed by the third respondent, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gsk

To

- 1.The Collector,
Kanchipuram District,
Kanchipuram.
- 2.The Divisional Revenue Officer,
The officer of the Divisional Revenue Officer,
Chengalpet.
- 3.The Tahsildar,
Thirukazhukundram Taluk,
Kancheepuram District.

+1cc to Mr.The Government Pleader, Advocate, S.R.No.17436
+1cc to Mr.D.Asokkumar, Advocate, S.R.No.
+1cc to Mr.K.Goviganesan , S.R.No.16791

ss (CO)
GSP (23/03/2018)