

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.17644 of 2018

E.Bhoobalan

...Petitioner

Versus

1. The Commissioner of Land Administration,
Land Administration Office,
Chepauk, Chennai-5.
2. The District Revenue Divisional Officer,
Tiruvallur, Tiruvallur District.
3. The Tahsildar,
Tiruvallur Taluk Office,
Tiruvallur Taluk,
Tiruvallur District.

.... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass necessary orders on the petitioner's representation dated 21.09.2016, requesting him to make necessary corrections regarding the measurements in respect of the petitioner's property comprised in Survey No.885/27 situated at Pakkam Village, Tiruvallur Taluk and District in all the Revenue Records, such as FMB Sketch, Patta, Chitta, Adangal and Village Accounts etc.

For Petitioner
For Respondents

: Mr.N.Nagu Sah
: Mr.V.Jayaprakash Narayanan
Special Government Pleader

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O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to pass necessary orders on the petitioner's representation dated 21.09.2016, requesting him to make necessary corrections regarding the measurements in respect of the petitioner's property comprised in Survey No.885/27 situated at Pakkam Village, Tiruvallur Taluk and District in all the Revenue Records, such as FMB Sketch, Patta,

Chitta, Adangal and Village Accounts etc..

2. Learned Counsel appearing for the petitioner submitted that the petitioner claims to be the owner of the land measuring North to South 18 feet and East to West 140 feet comprised in Natham Survey No.885/27 situated at Pakkam Village, Tiruvallur District and as such, he has been in actual possession of the said land as he obtained the above said property towards his share in the family partition. While so, the grievance of the petitioner is that though the linear measurement of the above Natham Land measures North to South 18 feet, the FMB Sketch issued by the 3rd respondent along with Natham Patta No.224 issued under the Natham Survey Scheme shows the above North to South Linear Measurement as 14 feet instead of 18 feet even though the East to West linear measurement was correctly shown as 140 feet. In view thereof, the petitioner gave several representations to the 1st respondent to correct the said mistake in the FMB Sketch. But, he failed to do so. Finally, the petitioner gave a representation dated 21.9.2016 in this regard. Finally, the 1st respondent has passed a Proceedings dated 12.12.2016 directing the District Revenue Divisional Officer, Tiruvallur, Tiruvallur District, the 2nd respondent herein to appoint a Tahsildar to probe into the matter and submit a report. But till date no such report has been filed.

3. Learned Special Government Pleader appearing for the respondents also agreeing with the Communication dated 12.12.2016 issued by the 1st respondent and another communication issued by the 2nd respondent to act on the instruction given by the 1st respondent is awaiting for the report from the Tahildar.

4. Therefore, both the Counsels requested this Court to direct the Tahsildar to submit a report on the basis of the communication issued by both the respondents 1 and 2.

5. In view of the above, without going into the merits of the claim made by the petitioner, considering the limited scope of the matter, since the 1st respondent has already issued a communication to the 2nd respondent, a direction is issued to the 3rd respondent, namely, the Tahsildar, Tiruvallur Taluk Office, Tiruvallur Taluk, to find out whether the land in Survey No.885/27 situated at Pakkam Village, Tiruvallur Taluk and District measures North South 18 feet and East to West 140 feet and to submit a report after conducting an enquiry to the District Revenue Divisional Officer, Tiruvallur, the 2nd respondent herein, within a period of four weeks from the date of receipt of a copy of this Order and on receipt of the same, the 1st respondent shall dispose of the petitioner's representation, dated 21.9.2016, on merits and in accordance with law, within a period of four weeks thereafter.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Land Administration,
Land Administration Office,
Chepauk, Chennai-5.
2. The District Revenue Divisional Officer,
Tiruvallur, Tiruvallur District.
3. The Tahsildar,
Tiruvallur Taluk Office,
Tiruvallur Taluk,
Tiruvallur District.

+1cc to Mr.N.Nagu Sah, Advocate, S.R.No.46509

+1cc to the Government Pleader, S.R.No.48090

W.P.No.17644 of 2018

PPA (CO)
GSP (26/07/2018)

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