

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twenty Ninth day of October Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE R. MAHADEVAN

WMP No.33283 of 2018

IN WP.NO.28528/2018

R.RAJIGAN

[PETITIONER]

Vs

1 THE DISTRICT COLLECTOR
VELLORE DISTRICT, VELLORE.

[RESPONDENTS]

2 THE ASSISTANT DIRECTOR (MINES)
COLLECTRATE BUILDING, SATHUACHARI,
VELLORE DISTRICT.

3 THE TAHSILDAR
GUDIYATTAM TALUK, VELLORE DISTRICT.

4 THE TAHSILDAR
PERNAMPUT TALUK, VELLORE DISTRICT.

5 THE TALUK SURVEYOR
PERNAMPUT TALUK, VELLORE DISTRICT.

6 THE VILLAGE ADMINISTRATIVE
OFFICER, ULLI VILLAGE, PERNAMPUT TALUK,
VELLORE DISTRICT.

7 THE ITD CEMENTATION INDIA LIMITED.,
(FORMERLY SKANSKA CEMENTATION INDIA
LIMITED), REP. BY ITS PROJECT DIRECTOR,
ANAR CHAMBERS, NO.5, CHOWRINGHEE APPROACH,
KOLKATTA-700020.

8 THE ITD CEMENTATION INDIA LI
MITED, (FORMERLY SKANSKA CEMENTATION INDIA
LIMITED), REP. BY ITS PROJECT DIRECTOR, ANAR
CHAMBERS, NO.5, CHOWRINGHEE APPROACH,
KOLKATTA-700020.

9 THE I.T.D.CEMENTATION PVT (LTD).,
REP. BY ITS PUBLIC RELATION OFFICER,
NO.17, PHASE-I, 1ST STREET, TNHB,
SATHUACHARI, VELLORE 632009 DISTRICT.

10 THE INSPECTOR OF POLICE
GUDIYATHAM TALUK POLICE STATION, GUDIYATHAM,
VELLORE DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to appoint a Advocate Commissioner to survey and identify the boundaries, to find out the physical features and present condition of the patta land in Survey No.558/3 at Ulli Village, Pernampet Taluk, Vellore District measuring an extent of 2 acres, and note down the damage caused by the 7th to 9th respondents with the assistance of respondents 1 to 6, (WMP.33283/2018) pending disposal of the above WP.28528/2018

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.M.MOHANASUNDRAM, Advocate for the petitioner and of MR.E.BALA MURUGAN, Special Government Pleader on behalf of the 1 to 6 and 10 Respondents the court made the following order:-

This miscellaneous petition is filed to appoint an Advocate Commissioner to survey and identify the boundaries; find out the physical features and the present condition of the patta land in Survey Number.558/3, Ulli Village, Pernampet Taluk, Vellore District; and note down the damages caused by the respondents 7 to 9 with the assistance of the respondents 1 to 6.

2. The learned counsel for the petitioner submitted that the respondents 7 to 9 are violated the tender conditions and illegally quarried the stones in the petitioner's land and also dumped wastage and dug out deep pits and also caused damaged to the said land.

3. The said submission made by the learned counsel for the petitioner is seriously refuted by Mr.E.Balamurugan, learned Special Government Pleader, who takes notice for the respondents 1 to 6 and 10.

4. Taking note of the rival submissions and considering the nature of the issue involved herein, this Court is inclined to appoint an Advocate Commissioner to ascertain the actual position of the land in question.

5. Accordingly, Mr.Arul Raj, No.14/A, Anjugam Nagar I, Thiruvottriyur, Chennai - 600 019, Mobile Nos.9940581278, 8248878121, is appointed as Advocate Commissioner, who shall inspect the land in question and note down the physical features and boundaries and ascertain as to whether any encroachment was made by the respondents 7 to 9 or any third parties and if so, note down the damages caused by them and file a detailed report enclosing necessary documents, photographs etc., on or before 22.11.2018. The said exercise shall be done by the Advocate

Commissioner with the assistance of the Revenue Officials, after issuing due notice and also in the presence of all the parties. The petitioner is directed to pay a sum of Rs.25,000/-, towards remuneration to the Advocate Commissioner, within two days.

6. This miscellaneous petition stands disposed of in the above terms.

Post on 23.11.2018 for filing Advocate Commissioner's report.

-sd/-
29/10/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT COLLECTOR
VELLORE DISTRICT, VELLORE.

2 THE ASSISTANT DIRECTOR (MINE
S), COLLECTRATE BUILDING, SATHUACHARI,
VELLORE DISTRICT.

3 THE TAHSILDAR
GUDIYATTAM TALUK, VELLORE DISTRICT.

4 THE TAHSILDAR
PERNAMPUT TALUK, VELLORE DISTRICT.

5 THE TALUK SURVEYOR
PERNAMPUT TALUK, VELLORE DISTRICT.

6 THE VILLAGE ADMINISTRATIVE O
FFICER, ULLI VILLAGE, PERNAMPUT TALUK,
VELLORE DISTRICT.

7 MR.ARUL RAJ,
ADVOCATE COMMISSIONER,
NO.14/A, ANJUGAM NAGAR I, THIRUVOTTRIYUR,
CHENNAI - 600 019,
MOBILE NOS.9940581278, 8248878121,

C.C. to M/S.C.M.MOHANASUNDRAM Advocate on payment of
necessary charges

The Government Advocate, High Court, Madras - 104.

Order
in
WMP.33283/2018

in
WP.28528/2018

Date :29/10/2018

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