

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31151 of 2018

R.Vimalraj

...Petitioner

..Vs..

1.The District Collector,
Salem.

2.Revenue Divisional Officer
Mettur Revenue Division
Mettur Dam, Salem District.

3.The Assistant Director
of Survey and Land Records,
District Collector Office Complex,
Salem.

4.The Tahsildar
Mettur Taluk
Mettur Dam, Salem District

5.The Firka Surveyor
Mecheri Firka
Mettur Taluk, Salem District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to survey, measure and demarcate the petitioner's lands measuring 5 Acre 43 ½ Cents comprised in Old Survey No.42/2, New Survey No.42/2A, of Olaipatty Village, Mettur Taluk, Salem District in Patta No. 241 and the lands measuring 2 Acres 16 Cents comprised in Survey No.41/1, of Olaipatty Village, Mettur Taluk, Salem District in Patta No. 472 pursuant to the petitioner's application dated 03.08.2018.

For Petitioner : Mr.T.Sai Krishnan

For Respondents: Mr.V.Shanmugasundar
Special Government Pleader

ORDER

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition seeking a direction to the respondents herein to survey, measure and demarcate the petitioner's lands measuring 5 Acre 43 ½ Cents comprised in Old Survey No.42/2, New Survey No.42/2A, of Olaipatty Village, Mettur Taluk, Salem District in Patta No. 241 and the lands measuring 2 Acres 16 Cents comprised in Survey No.41/1, of Olaipatty Village, Mettur Taluk, Salem District in Patta No.472, pursuant to the petitioner's application dated 03.08.2018.

3. According to the learned counsel for the petitioner, he made a application dated 03.08.2018 to the respondents seeking to survey and demarcate the aforesaid property belonging to the petitioner. The petitioner had also paid the requisite fee for the same vide challan dated 02.08.2018. Since no action was taken, the petitioner sent a reminder to the second respondent, pursuant to which the second respondent vide proceedings dated 09.08.2018 has forwarded the request of the petitioner to the Tahsildar, Mettur. As there was no response, the third respondent has forwarded the request to the fourth respondent to take appropriate action. Despite the same, there is no response and therefore the petitioner is constrained to move this Court.

4. Heard Mr.V.Shanmugasundar learned Special Government Pleader who accepts notice on behalf of the respondents.

5. It is the fact that there is dearth of surveyors in many of the Taluk Offices and there are many petitions and requests as that of the petitioner herein waiting their properties to be surveyed. Hence, the respondents are directed to have a list of such requests and conduct the survey as per the order of priority. However, the respondents are directed to survey, measure and demarcate the petitioner's lands measuring 5 Acre 43 ½ Cents comprised in Old Survey No.42/2, New Survey No.42/2A, of Olaipatty Village, Mettur Taluk, Salem District in Patta No. 241 and the lands measuring 2 Acres 16 Cents comprised in Survey No.41/1, of Olaipatty Village, Mettur Taluk, Salem District in Patta No.472, pursuant to the petitioner's application dated 03.08.2018, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and others, if any interested in the matter.

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

6. Post for compliance on 28.01.2019.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

arr/rst

To

- 1.The District Collector,
Salem.
- 2.Revenue Divisional Officer
Mettur Revenue Division
Mettur Dam, Salem District.
- 3.The Assistant Director
of Survey and Land Records,
District Collector Office Complex,
Salem.
- 4.The Tahsildar
Mettur Taluk
Mettur Dam, Salem District
- 5.The Firka Surveyor
Mecheri Firka
Mettur Taluk, Salem District.

Copy to:
The Section Officer,
Writ Section,
High Court, Madurai -104.

+1cc to M/s.Sai & Bharath, Advocate, S.R.No.80673
+1cc to the Government Pleader, S.R.No.81767

W.P.No.31151 of 2018

VD(CO)

rrs 19/12/2018