

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.01.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.536 of 2019

V.Annadurai

.. Petitioner

Vs.

1. The District Revenue Officer,  
Villupuram District,  
Villupuram.
2. The Revenue Divisional Officer,  
Thirukovilur Revenue Division,  
Thirukovilur,  
Villupuram District.
3. The Tahsildar,  
Kantachipuram Taluk,  
Villupuram District,  
Villupuram.
4. The Assistant Director,  
Land Survey Department,  
Villupuram.

5.N.Elumalai.

.. Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent for implementation of the order passed by the first respondent dated 20.04.2018 within a time limit fixed by this Court.

For Petitioner

: Mr.S.Gunalan

For Respondents 1 to 4

: Mr.V.Shanmugasundar  
Special Government Pleader

O R D E R

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

2. The prayer sought for in this Writ Petition is for the issuance of a Writ of Mandamus to direct the fourth respondent for implementation of the order passed by the first respondent dated 20.04.2018.

3. According to the learned counsel for the petitioner, the petitioner has submitted an application to the Tahsildar, Thirukovilur Taluk requesting to survey and fix the boundary stones in his land and issue him separate patta. Accordingly, the Revenue officers, namely Firkah Surveyor, Village Administrative Officer and Assistants surveyed the entire extent of land in S.No.60/2 and fixed the boundary stones in the said land. The Firkah Surveyor filed a report to the Tahsildar, Thirukovilur Taluk recommending to issue a separate patta in respect of the petitioner's land and the Tahsildar, Thirukovilur Taluk has issued patta in favour of the petitioner. In the meanwhile, the fifth respondent herein wantonly made an appeal before the second respondent herein seeking to set aside the order of issuance of patta. In the above said circumstances, the fifth respondent produced a Rectification Deed, by rectifying the boundaries of his own land before the second respondent. The second respondent erroneously set aside the order of the Tahsildar and directed to re-survey the land and issue separate patta as per new survey. Hence, the petitioner filed a writ petition in W.P.No.31639 of 2016 before this Court seeking to quash the said order of the Revenue Divisional Officer. This Court, vide order dated 12.09.2016, directed the third respondent to consider the petitioner's representation. In the meanwhile, the fifth respondent and his brothers attacked the petitioner. Hence, the petitioner's father made a complaint to the Kantachipuram Police Station. The said complaint was also registered as FIR No.242 of 20016 on 19.11.2016. In the meantime, the Revenue Divisional Officer/second respondent herein summoned the petitioner to participate in the enquiry. The petitioner and the fifth respondent appeared before the second respondent for the enquiry. Thereafter, the second respondent issued an order dated 10.03.2017 thereby allowed the appeal preferred by the fifth respondent. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent and by proceedings in Na.Ka.No.Aa3/13353/2017, dated 20.04.2018, the first respondent sent a communication to the fourth respondent directing the survey department to survey the disputed property on the basis of the documents submitted by both parties. But, the survey department failed to implement the order of the first respondent. Hence, the petitioner submitted a representation dated 13.06.2018 to the third respondent requesting to survey and fix the boundary stones in his land and to issue separate patta. Since the same is yet to be disposed of, the petitioner has filed this Writ Petition for the relief stated supra.

4. Heard Mr.V.Shanmugasundar, learned Special Government Pleader on behalf of the respondents 1 to 4.

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 petitioners herein waiting their properties to be surveyed. Hence, the third respondent is directed to have a list of such requests and conduct the survey as per the order of priority. However, any such request for survey of the land shall be done, on merits and in accordance with law, after issuing notice to the petitioner, the fifth respondent herein as well as any of the interested parties and also affording them an opportunity of personal hearing within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

srn/av

To

1. The District Revenue Officer,  
Villupuram District,  
Villupuram.
2. The Revenue Divisional Officer,  
Thirukovilur Revenue Division,  
Thirukovilur, Villupuram District.
3. The Tahsildar,  
Kantachipuram Taluk,  
Villupuram District, Villupuram.
4. The Assistant Director,  
Land Survey Department, Villupuram.

+1cc to Mr.S.Gunalan, Advocate, S.R.No.2162  
+1cc to the Government Pleader, S.R.No.3253

W.P.No.536 of 2019

CA(CO)  
CS/15/06/2019