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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.18119 of 2018

P.Selvam

..Petitioner

Versus

1. The Tahsildar,
Kattumannarkoil Taluk,
Kattumannarkoil, Cuddalore District.

2. The Inspector of Police,
Kattumannarkoil Police Station,
Kattumannarkoil, Cuddalore District.

3. Anuradha

4. The District Surveyor
O/o. Collectorate
Cuddalore District
Cuddalore
(R4 impleaded as per order dated
27.11.2019 and made in W.M.P. 31077/2019
in W.P.18119/2018)

...Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to measure the petitioner's land situated in S.No.11/3, Kattumannarkoil Village, Kattumannarkoil Taluk, Cuddalore District for making sub division with help of the 2nd respondent police.

For Petitioner .. Mr.C.Prakasam

For R1 and R2 .. Mr.K.Ravikumar,
Additional Government Pleader

For R3 .. No appearance



O R D E R

This Writ Petition is filed, to direct the first respondent to measure the petitioner's land situated in S.No.11/3, Kattumannarkoil Village, Kattumannarkoil Taluk, Cuddalore District for making sub division with help of the 2nd respondent police.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

3. Though the third respondent has filed a counter, there is no representation for him.

4. The short point involved in this Writ Petition is that the petitioner who is the owner of 22 cents of land in S.No.11/3, Kattumannarkoil Village, Kattumannarkoil Taluk, Cuddalore District wants to measure the land to fix the boundaries. When the Surveyor visited the field, the third respondent objected and therefore, the survey of the land and sub-division of the same could not be effected. Hence, the present Writ Petition is filed seeking Writ of Mandamus to direct the first respondent to measure the petitioner's land in S.No.11/3, Kattumannarkoil Village, Kattumannarkoil Taluk, Cuddalore District with police protection.

5. The official respondents 1 and 2 would submit that because of the third respondent objection, they are not able to measure the land as per the document relied by the petitioner. If the third respondent co-operates, they will measure the land and identify the boundaries within stipulated time.

6. The third respondent in her counter has stated that the petitioner under the garb of measuring the land trying to encroach upon her land and she has no objection to survey the entire land in S.No.11/3 admeasuring 48 cents. She is only apprehensive of the petitioners attempt to measure 22 cents of land alone as per his title deed.

7. According to the third respondent, she requested the first respondent and local surveyor to survey the entire land in S.No.11/3 admeasuring 48 cents because in the said S.No. plots have come up and Kattumannarkoil Town Panchayat has laid road in the said S.No.11/3.

8. On considering the rival submissions, this Court is of the opinion that the dispute between the parties in identifying the respective land can be sorted, if the entire S.No.11/3 is



measured and identified as per their respective title deed. The petitioner herein is ready to pay the required fees for measuring S.No.11/3, Kattumannarkoil Village.

9. Accordingly, this Writ Petition is disposed of. The first respondent is directed to collect necessary survey charges from the petitioner and measure the entire S.No.11/3, Kattumannarkoil Village and demark the boundaries. The said exercise shall be done within a period of four weeks from the date of payment of charges. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Tahsildar,
Kattumannarkoil Taluk,
Kattumannarkoil, Cuddalore District.
2. The Inspector of Police,
Kattumannarkoil Police Station,
Kattumannarkoil, Cuddalore District.

+1 CC to Mr.C.Prakasam, Advocate sr 99676

+1 CC to The Govt. Pleader sr 99930.

+1 CC to Mr.K.T.S. Sivakumar, Advocate sr 99344.

Writ Petition No.18119 of 2018

RGN(CO)
SP(11/12/2019)