

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.26823 of 2019

Mr.Aashutosh Bagdi

.. Petitioner

/versus/

1.The State
rep.by District Collector,
Office of the District Collector,
Vellore District.

2.The District Surveyor,
Collectorate at Sathuvacherry,
Vellore District.

3.The Revenue Divisional Officer,
Office at Ranipettai,
Vellore District.

4.The Tahsildar,
Walajah Taluk,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent to consider the representation dated 26.10.2018 and to conduct survey as per Tamil Nadu Survey and boundaries Act, 1923 and to demarcate the land comprised in Survey Nos.14,15,16 situated in Walajah Taluk, Vellore District.

For Petitioner :Mr.E.Suganthan for
Mr.Nathan and Associates

For Respondents :Mr.D.Raja, AGP for R1 to R4

O R D E R

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

2. Heard Mr.E.Suganthan, learned counsel appearing for the petitioner and Mr.D.Raja, learned Additional Government Pleader, who takes notice on behalf of respondents.

3. The prayer in the writ petition is to issue a Writ of Mandamus directing the 4th respondent to consider the representation dated 26.10.2018 and to conduct survey as per Tamil Nadu Survey and boundaries Act, 1923 and to demarcate the land comprised in Survey Nos.14,15,16 situated in Walajah Taluk, Vellore District.

4. The case of the petitioner is that the father of the petitioner late Sri Brijkishore Dagdi had purchased the property comprised in S.Nos.14,15 and 16 in Walajah Taluk, from one A.K.Sakul Hammed in the name of Walajahpet Roller Flour Mills and Sale deed was duly registered as Doc.No.1566 of 1981 at Walajahpet Sub Registrar Office. After demise of his father on 16.07.2014, he has sought for survey of the land to know the boundaries and to put fence to prevent the trespassers.

5. According to the petitioner, on 26.10.2018 he made an application for survey of his land and to issue patta and the same has not yet been considered by the fourth respondent. The copy of the receipt for Rs.240/- for the said purpose is enclosed in the typed set of papers. If the petitioner has made requisite fee for survey of the land, the fourth respondent shall not delay the process and ought to have been done the survey of the land by this time. Since he has delayed measuring the land, the petitioner is forced to file the present writ petition.

6. Insofar as the issuance of patta is concerned, it depends upon the title and the right of the petitioner. It is entirely a different issue, which has to be considered by the fourth respondent after considering the documents produced by the petitioner and proper enquiry.

7. Therefore, it is suffice to direct the fourth respondent to make survey of the land as per the request of the petitioner vide his letter dated 26.10.2018 within a period of eight weeks from today. Regarding issuance of the patta, the fourth respondent shall make independent enquiry and pass appropriate orders on merits.

8. Accordingly, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

1.The District Collector,
Office of the District Collector,
Vellore District.

2.The District Surveyor,
Collectorate at Sathuvacherry,
Vellore District.

3.The Revenue Divisional Officer,
Office at Ranipettai,
Vellore District.

4.The Tahsildar,
Walajah Taluk,Vellore Distrct.

+1cc to M/s.Nathan Associates , Advocate SR.No. 77851

+1 cc to Government Pleader Sr.No. 78113

W.P.No.26823 of 2019

A.SK(25/09/2019)

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