

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.28747 of 2013

- 1.S.C.Kaliammal (Deceased)
- 2.Kalaivani
- 3.S.Panneerselvam
- 4.S.Chandrasekaran
- 5.S.Rani
- 6.S.Sasikala
- 7.S.Mohan
- 8.S.Babu

.... Petitioners

(P2 to P8 - substituted as LRs of the deceased sole petitioner
vide order dated 30.01.2020 made in W.M.P.No.1209 of 2020)

Vs.

1. The District Collector,
Vellore District,
Vellore - 632 009.
2. The Sub Collector,
Vellore District,
Tiruppattur - 635 601.
3. The Tahsildar,
Tiruppattur Taluk,
Tiruppattur - 635 601,
Vellore District.
4. The District Surveyor,
Vellore District,
Collectorate,
Vellore - 632 009.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents to survey the entire land bearing Survey No.79 in Chakkarakuppam Village, Tirupattur Taluk, Vellore District by updating their survey records including the Field Measurement Book so as to include the land bearing Survey No.79/8 to an extent of 0.9 cents and sub-divide the same by taking proper steps and other arrangement by considering the representation

dated 09.01.2012 made to the 2nd respondent herein within a time frame.

For Petitioners: Mrs.Elizabeth Ravi for Mr.S.Subbiah
For Respondents: Ms.A.Madhumathi,
Special Government Pleader

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to survey the entire land bearing Survey No.79 in Chakkarakuppam Village, Tirupattur Taluk, Vellore District by updating their survey records including the Field Measurement Book so as to include the land bearing Survey No.79/8 to an extent of 0.9 cents and sub-divide the same by taking proper steps and other arrangement by considering the representation dated 09.01.2012 made to the 2nd respondent within a time frame.

2.The learned counsel appearing for the petitioners submitted that though the petitioner has given her representation for re-surveying the land as early as on 09.01.2012, the officials respondents have not passed any order so far.

3.The 3rd respondent filed a counter affidavit wherein it has been stated that a policy decision was taken and the State Government had passed a Government Order in G.O.(Ms).No.01 dated 03.01.2010 (Revenue and Disaster Management Department, Survey and Settlement Wing, [SS-II(2)] Section to re-survey the 29 towns in various District using latest technology with latest machinery. It has been stated that in the 29 towns Jolarpet, Tirupattur Taluk as found in Serial No.27 is one of the town that the authorities are going to re-survey the lands where the petitioners land is also situated and as stated in the said G.O., the entire process will be completed in three years time. The averments stated in paragraph nos.7 and 8 of the counter affidavit reads as follows:

"...

7.I submit that issue involved is not an isolated one in respect of Petitioner's land alone in the village. There is other more Survey numbers could not be measured. Further throughout Tamilnadu number of lands could not be measured due to lack of documents and particulars. In view of such situation the Government took a policy decision and passed a G.O. (Ms).No.01 dated 03.01.2010 (Revenue and Disaster Management Department, Survey and Settlement Wing, [SS-II(2)] Section to Resurvey the 29 towns in various District using latest technology with latest

machinery. In the above 29 towns Jolarpet, Tirupattur Taluk as Serial No.27 is one of the town that the authorities going to Resurvey the lands where the petitioners land is also situated and it is stated in the above G.O that the entire process will be completed in three years time. A sum of Rs.30.29 Crores has been sanctioned. As soon as the directions or Competent Tahsildar appointed by the Director of Survey and Settlement all the lands in this locality including the land of the petitioner would be measured and boundary stones would be fixed. The G.O.(Ms).No.01 dated 03.01.2010 (Revenue and Disaster Management Department, Survey and Settlement Wing, [SS-II(2)] Section is enclosed as Annexure to this Counter Affidavit.

8.I submit that the Director of Survey and Settlement, Chennai is the Competent Authority to take effective steps to Resurvey all the lands and fix the boundary stones as per the above said Government Order after getting concurrence with the Secretary, Department of Revenue, Government of Tamil Nadu, Fort St.George, Chennai - 600 009. I submit that Vellore District has been bifurcated and Tirupattur District has been formed."

4.The learned counsel appearing for the petitioners submitted that the averments stated in paragraph nos.7 and 8 of the counter affidavit may be recorded and the Writ Petition may be closed.

5.Having regard to the submissions made by the learned counsel for the petitioners, recording the averments stated in paragraph nos.7 and 8 of the counter affidavit, the Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Vellore District,
Vellore - 632 009.

2. The Sub Collector,
Vellore District,
Tiruppattur - 635 601.

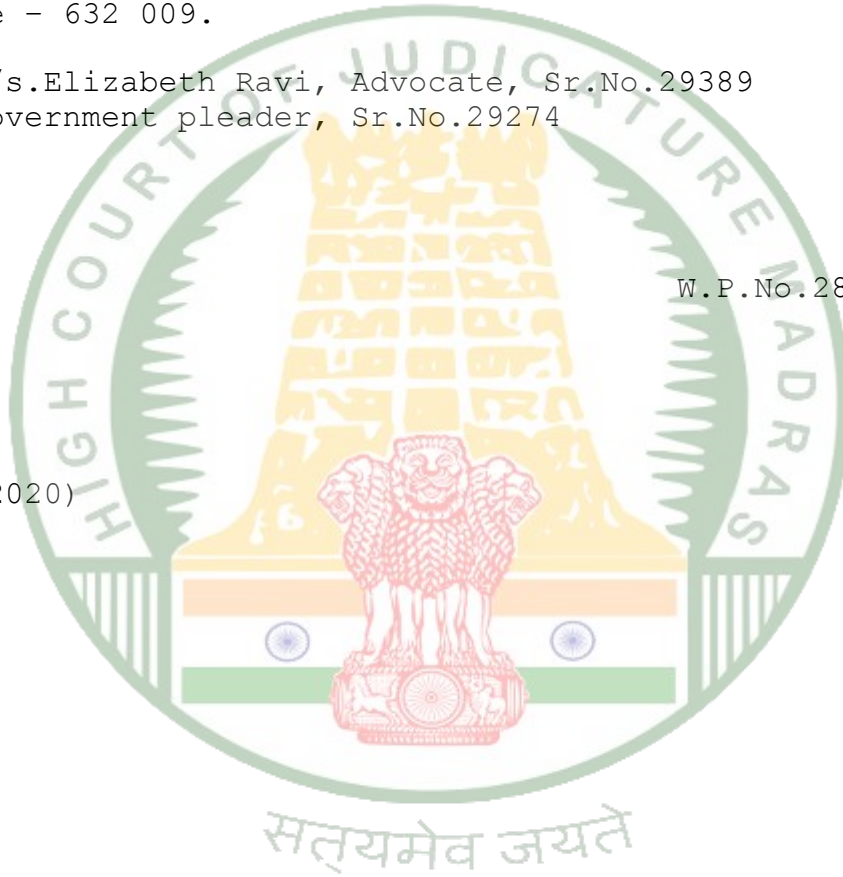
3. The Tahsildar,
Tiruppattur Taluk,
Tiruppattur - 635 601,
Vellore District.

4. The District Surveyor,
Vellore District,
Collectorate,
Vellore - 632 009.

+1cc to M/s.Elizabeth Ravi, Advocate, Sr.No.29389
+1cc to Government pleader, Sr.No.29274

W.P.No.28747 of 2013

KJ(CO)
GS(23/10/2020)



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