

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.35286 of 2012
and M.P.Nos.1 and 2 of 2012

1.Smt.Lalitha
2.Smt.Irusammal
3.Smt.Rani
4.Smt.Muniammal
5.Smt.Sheela
6.Smt.Dhanalakshmi

.... Petitioners

Vs.

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Tahsildar,
Cheyyar Taluk,
Tiruvannamalai District.

3.The Head Surveyor,
Cheyyar Taluk,
Tiruvannamalai District.

4.Thiru.Sekar
5.Thiru.K.Raghu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus to direct the respondents 1 to 3 consider the petitioners representation dated 07.07.2012 and consequently direct the respondents 2 to 3 to measure the petitioners property situated in Survey Nos.422/69, 422/68, 422/67, 422/65, 422/75 and 422/66 at Chozhavaram Village, Cheyyar Taluk, Tiruvannamalai District.

For Petitioners :M/s.P.A.Chithramani

For Respondents:Mrs.K.Bhuvaneswari for R1 to R3
Additional Government Pleader

Mr.L.Dhamodaran for R4 & R5

O R D E R

This writ petition has been filed for a mandamus to direct the respondents 1 to 3 to consider the petitioners representation dated 07.07.2012 and consequently direct the respondents 2 to 3 to measure the petitioners property situated in Survey Nos.422/69, 422/68, 422/67, 422/65, 422/75 and 422/66 at Chozhavaram Village, Cheyyar Taluk, Tiruvannamalai District.

2.It is the case of the petitioners that they are the absolute owners of the aforesaid lands and pattas have also been issued in their favour for their respective lands. According to them, there is a dispute with regard to the aforesaid lands with the respondents 4 and 5 and hence they sought for measurement of their properties with the assistance of respondent Nos.1 to 3.

3.It is their case that they gave a representation for measurement of their land, but till date, the representation has not considered. In such circumstances, this writ petition has been filed.

4.Heard Ms.P.A.Chithramani, learned counsel for the petitioners, Mrs.K.Bhuvaneswari, learned Additional Government Pleader for the respondent Nos.1 to 3 and Mr.L.Dhamodaran, learned counsel for the respondents 4 and 5.

5.A counter affidavit has been filed by the respondents 4 and 5 denying the ownership of the properties by the petitioners. They have also stated that several disputed questions of fact are involved and hence only a Civil Court can adjudicate the dispute between the parties.

6.Admittedly, the petitioners are seeking only to measure the lands which are the subject matter of this writ petition. It is the case of the petitioners that they are the owners of the aforementioned lands, whereas according to the respondents 4 and 5, the petitioners are not the owners. The scope of this writ petition is very limited as the petitioners are seeking only to measurement the subject lands with the assistance of the respondent Nos.1 to 3. No prejudice will be caused to the petitioners if the lands are measured by the third respondent and infact it may aid in the resolution of the disputes between the parties. The measurement of the lands by the third respondent will not in any way impact the title dispute between the parties, as the same can be adjudicated only by a Civil Court.

7.It is represented by the learned Additional Government Pleader for the respondent Nos.1 to 3 that even before filing of this writ petition, enquiry proceedings were initiated on the representation of the petitioners. It is further submitted that only due to the pendency of this writ petition, further

progress was stalled in the enquiry proceedings. She submits that if this Court directs, the second respondent will complete the enquiry and pass final orders within a time frame to be fixed by this Court. The learned counsel for the petitioners as well as the learned counsel for respondents 4 and 5 have no objection if such a direction is issued.

8. Accordingly, this Court directs, the second respondent to complete the enquiry after giving sufficient opportunity to the petitioners as well as the respondents 4 and 5 and other necessary parties pass final orders in the representation made by the petitioners requesting for measurement of the lands in Survey Nos. 422/69, 422/68, 422/67, 422/65, 422/75 and 422/66 at Chozhavaram Village, Cheyyar Taluk, Tiruvannamalai District within a period of eight weeks from the date of receipt of a copy of this order. If the petitioners are found to be the owners of the aforementioned properties, the third respondent is directed to measure the same and after collecting the necessary charges, shall submit a final report with regard to the measurements. A copy of the same shall be furnished to the petitioners as well as respondents 4 and 5 and other parties who were heard in the enquiry proceedings.

9. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

pam

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Tahsildar,
Cheyyar Taluk,
Tiruvannamalai District.

3. The Head Surveyor,
Cheyyar Taluk,
Tiruvannamalai District.

+1cc to Mr. L. Dhamodaran, Advocate SR.No.13682

W.P.No.35286 of 2012

RK (CO)

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GMI (18/03/2020)