

IN THE HIGH COURT OF JUDICATURE AT MADRAS
CORAM
Dated : 03.07.2020
THE HONOURABLE MR. JUSTICE R.MAHADEVAN
W.P.No.8738 of 2020

Sengoda Gounder

... Petitioner

vs.

1.The District Collector,
Salem.

2.The Tahsildar, Attur,
Salem District.

3.The Taluk Surveyor,
Attur, Salem District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 to survey the properties comprised in SF.Nos.44/1, 44/2 and 45/1 Kattakottai Village, Attur Taluk, Salem District, based on the sale deeds registered at Sub-Registrar Office at Attur in Document Nos.3322/1957, 3323/1957 and 3668/1957 and fix boundary stones and consequently, direct the 2nd respondent to rectify the error occurred in the revenue records with respect of the extent by considering the representation of the petitioner dated 01.03.2018, within a reasonable time as fixed by this Court.

For Petitioner : Mr.R.Nalliappan for
Mr.I.C.Vasudevan

For Respondents : Mr.N.Inbanathan, AGP

सत्यमेव जयते
O R D E R

Mr.N.Inbanathan, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final hearing at the time of admission itself, through Video Conferencing on account of COVID-19 pandemic.

2.The prayer made in this Writ Petition is to issue a mandamus, directing the respondents 2 and 3 to survey the properties comprised in SF.Nos.44/1, 44/2 and 45/1 Kattukottai Village, Attur Taluk, Salem District, based on the sale deeds registered as Document Nos.3322/1957, 3323/1957 and 3668/1957 on

the file of the Sub Registrar Office, Attur and fix boundary stones and consequently direct the second respondent to rectify the error occurred in the revenue records with respect to extent of the properties, by considering the representation of the petitioner dated 01.03.2018.

3. According to the petitioner, his father Arumuga Gounder purchased the properties comprised in SF.Nos.44/1, 44/2 and 45/1, Kattukottai Village, Attur Taluk, Salem measuring to an extent of 4.35 acres by way of registered sale deeds bearing document nos.3322/1957, 3323/1957 and 3668/1957 on the file of SRO, Attur. After his demise on 01.04.1991, the petitioner along with his brother, acquired the said properties through inheritance and has been in possession and enjoyment of the same. Later, he came to know that the extent of the properties has been wrongly mentioned as 3.88 acres instead of 4.35 acres in the revenue records by the second respondent. Hence, he approached the respondent authorities with a request to survey the said properties and rectify the error occurred in the revenue records in respect of the extent. On 20.03.2018, the first respondent directed the second respondent to enquire into the matter and send a report to him. Further, the Assistant Director of Land Survey Department, Salem, in his proceedings dated 05.03.2018 directed the second respondent to take action on the petitioner's representation. Despite the same, the second respondent has not taken any steps in regard to the claim of the petitioner. Hence, this writ petition.

4. Heard both sides and perused the materials placed before this Court.

5. Considering the limited nature of the relief sought for herein and also having regard to the fact that the first respondent, District Collector, Salem and the Assistant Director, Land Survey, Salem already directed the second respondent to look into the petitioner's claim, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation of the petitioner dated 01.03.2018 with regard to rectify the error occurred in the revenue records and pass appropriate orders, on merits and in accordance with law. Further, with regard to survey the properties in question, the respondents shall collect necessary charges from the petitioner and on payment of necessary charges, take steps to survey and measure the properties. Such exercises shall be completed by the respondents within a period of eight weeks from the date of uploading the copy of this order in the web site.

6.With the above direction, the Writ Petition is disposed of.
No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To

1.The District Collector, Salem.

2.The Tahsildar, Attur, Salem District.

3.The Taluk Surveyor, Attur, Salem District.

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