



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

WEB COPY

W.P (MD) No.14161 of 2020

A.Sivagnanam

... Petitioner

Vs.

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.
2. The Assistant Director,
District Level Land Survey Department,
Sivagangai.
3. The Divisional Inspector,
District Level Land Survey Department,
Sivagangai.
4. The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.
5. The Deputy Circle Inspector,
Circle Level Land Survey Department,
Thirupuvanam Circle,
Sivagangai.

6.Karuppasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 18.03.2020 and to form a Committee under the Head of Divisional Inspector and to measure the properties and file the report on the basis of his memo dated 23.07.2020 vide Na.Ka.No.A3/1576/2020 within the time stipulated by this Court.

For Petitioner
For Respondents
1 to 5
For R6

: Mr.Babu Rajendran
: Mr.M.Murugan
Government Advocate
: Dispense with

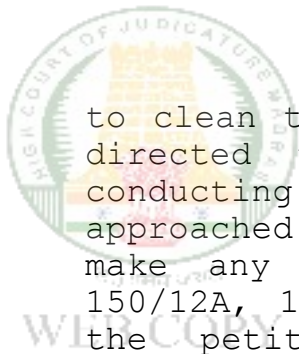


ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 18.03.2020 and to form a Committee under the Head of Divisional Inspector and to measure the properties and file the report on the basis of his memo dated 23.07.2020 vide Na.Ka.No.A3/1576/2020 within the time stipulated by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate, who took notice for the respondents 1 to 3. Since this Court is not going to pass any adverse order against the sixth respondent, notice to sixth respondent is dispensed with.

3.The learned counsel appearing for the petitioner would submit that the petitioner has purchased a land measuring to an extent of 0.03.00 ares (7141 cents) in Survey No.150/13 situated in Kattamankottai Village of Thiruppuvanam Taluk, through a registered document dated 25.06.2016. He has also obtained patta for the said land vide Patta No.1126. Adjacent to his land, his son has purchased the property in Survey No.150/12A. It is further submitted that on the east of the petitioner's property, the sixth respondent is having land in Survey No.150/14A1 which was originally an extent of 50 cents. When the Highways Department formed a road from Silaiman to Virathanoor, 15 cents of the sixth respondent's land was acquired from his grandfather by name Mr.Sundararajan and award was also passed and after the acquisition, the sixth respondent is entitled to 35 cents. After the death of Mr.Sundararajan, the father of the sixth respondent and the sixth respondent have sold 2394 sq. ft. to one Mr.Neelamegam on 08.09.2014 vide Doc.No.3470/2014 and thereby, the sixth respondent is having only 29 cents. The said property was also subdivided as Survey Nos.150/14A1 and 150/14A2 and patta was also issued vide Patta No.574 but the measurement was wrongly given as 0.11.77 ares. Based on the said document, the sixth respondent is causing disturbance to the petitioner by claiming 85 meter on the western side of his property. Therefore, the petitioner has approached the fourth respondent to measure the property and fix the boundaries. Accordingly, the fourth respondent issued notice to the petitioner and the sixth respondent on 12.09.2019 and measured the property and issued certificate to that effect on 11.11.2019 along with FMB sketch by mentioning the measurement of the western portion of the sixth respondent's land in Survey No.150/14A1 is 79.4 meters. Aggrieved by the same, the sixth respondent had approached the second respondent stating that FMB measurement varies and the same may be rectified. Based on the instructions of the second respondent, the fifth respondent had issued notice to the petitioner to appear before him on 07.12.2019 and accordingly, the petitioner had appeared before the fifth respondent. However, on that date, no proper measurement was made and therefore, he directed the parties



to clean the land. In the meanwhile, the second respondent had directed the fourth respondent to rectify the error without conducting any enquiry. Knowing the same, the petitioner had approached the authorities on 18.03.2020 and requested them not to make any entries unlawfully with regard to Survey Nos.150/13, 150/12A, 150/14A1 in 'F' line. Further, on the representation of the petitioner, the second respondent issued a memo vide Na.Ka.No.A3/1576/2020, dated 23.07.2020 to the third respondent to form a Committee under the Head of Divisional Inspector to measure the properties and submit a report. Thereafter, as there is no response from the respondents, the petitioner has come forward with this Writ Petition.

4.Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 5 would submit that even though notice has been issued to the petitioner and the sixth respondent, due to pandemic situation, no further proceedings could take place and the officials are willing to conduct the survey provided all the parties cooperate.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the representation of the petitioner dated 18.03.2020 and form a Committee under the Head of Divisional Inspector and measure the properties and file the report on the basis of the memo dated 23.07.2020 vide Na.Ka.No.A3/1576/2020, after affording an opportunity of hearing to the sixth respondent and also to any other persons who are likely to be affected, within a period of six months from the date of receipt of a copy of this order. The directions given in W.P(MD).No.7746 of 2020 batch, dated 23.09.2020 and W.P.(MD)No.13465 of 2020 dated 13.10.2020 should be followed wherever it is applicable.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

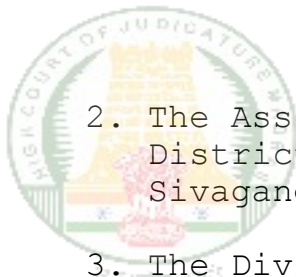
/ /2020

Sub Assistant Registrar(CS)

SRM

To

1. The District Revenue Officer,
Sivagangai District, Sivagangai.



2. The Assistant Director,
District Level Land Survey Department,
Sivagangai.
3. The Divisional Inspector,
District Level Land Survey Department,
Sivagangai.
4. The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.
5. The Deputy Circle Inspector,
Circle Level Land Survey Department,
Thirupuvanam Circle, Sivagangai.

+1 CC to the SPL GP SR-19911.

+1 CC to Mr.BABU RAJENDRAN, Advocate SR-19974.

W.P (MD) No.14161 of 2020

CK (CO)

CS (30.11.2020) 4P 8C