



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No.7339 of 2019

C. Mani

..Petitioner

Versus

1. The Collector
Vellore District
Collectorate, Sathuvachari,
Vellore - 632 009
2. The Tahsildar
Nemili Taluk
Nemili,
Vellore District

3. Chitra @ S.Annaporani

..Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to 1 & 2 to depute the competent survey officials to survey and mark the boundaries of lands comprised in Survey No.962B3 situated in No.31, Maganipattu Village, Nemili Taluk, Vellore District after issuing notice to the concerned parties.

For Petitioner : Mr. J. Lakshmi Narayanan

For R1 & R2 : Mr. G. Krishnaraja
Government Counsel

For R3 : Mr. Manoj Kumar

ORDER

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus directing the respondents to 1 & 2 to depute the competent survey officials to survey and mark the boundaries of lands comprised in Survey No.962/B3 situated in No.31, Maganipattu Village, Nemili Taluk, Vellore District after issuing notice to the concerned parties.



2. The petitioner claims that he along with his wife and son have sold the lands measuring 1.80 cents and 1.04 cents, totalling 2.84 cents in Survey No.96/2B and 96/3B in No.31, Maganipattu Village in favour of the third respondent herein by a sale deed dated 09.05.2011 registered as document No. 3859 of 2011 in the office of the Sub-Registrar, Kaveripakkam. After execution of the sale deed dated 09.05.2011, certain defects were noticed with respect to the boundaries, survey number, schedule etc., Therefore, the petitioner along with his wife and son executed a rectification deed dated 08.03.2017 registered as document No. 570 of 2017 in the office of the Sub-Registrar, Kaveripakkam. According to the petitioner, as per the rectification deed, he retained 25 cents of the lands that was originally conveyed in the sale deed dated 09.05.2011. According to the petitioner, the rectification made in the rectification deed dated 08.03.2017 must reflect in the Field Measurement Book (FMB) maintained by the respondents. In the absence of rectification of the land details in the FMB, the third respondent is asserting a right over the entire extent of the land measuring 2.84 cents. In order to ensure that there is no anomaly caused in respect of the right of the petitioner over the land measuring 25 cents, he submitted a representation dated 04.08.2017 to the respondents and requested to depute a competent official to survey the land and to carry out necessary corrections in the FMB sketch based on the survey report. As there was no response, the petitioner sent a reminder to the first respondent on 12.03.2018. In spite of the same, the respondents did not take any action to survey the land and therefore, the petitioner has come up with this writ petition.

3. The third respondent has filed a counter affidavit contending inter alia that she is not claiming any excess land than what was conveyed to her in the rectification deed dated 08.03.2017. In fact, the third respondent has also submitted a representation dated 10.01.2019 to the revenue officials to survey and earmark the boundaries of her property as well as the property of the petitioner to put an end to the dispute between the petitioner and the third respondent. However, the official respondents did not take any action.

4. Heard the learned counsel for the petitioner, the learned Government Counsel for the respondents 1 and 2 as well as the learned counsel for the third respondent.

5. When this writ petition is taken up for hearing today, the learned counsel on either side unanimously agreed that a direction may be issued to the second respondent to depute a competent surveyor to measure the properties of the petitioner as well as the third respondent and to demarcate their respective properties.



6. As agreed by the counsel on either side, the second respondent is directed to consider the claim of the petitioner for surveying the lands in question, depute a competent Surveyor to measure and demarcate the properties of the petitioner and the third respondent after due notice to them about the inspection. Thereafter, based on the survey report, the second respondent shall pass appropriate orders on merits and in accordance with law, after affording an opportunity to the petitioner as well as the third respondent. The said exercise shall be completed within a period of four weeks. It is needless to state that the petitioner shall place all the materials including his/her representation before the second respondent for consideration.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

1. The Collector,
Vellore District,
Collectorate, Sathuvachari,
Vellore - 632 009.
2. The Tahsildar,
Nemili Taluk,
Nemili,
Vellore District.

+1cc to Mr.B.Gopalakrishnan, Advocate, S.R.No.37794/2021
+1cc to the Government Pleader, S.R.No.38053/2021
+1cc to Mr.J.Lakshmi Narayanan, Advocate, S.R.No.37252/2021

WP No. 7339 of 2019

SR(CO)
RGA(24/09/2021)