



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 25.08.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.13837 of 2019
(Through Video Conference)

V. Mohan Raj

...Petitioner

Vs

1) The Tahsildar,
Taluk Office, Tambaram,
Chennai - 600 045.

2) The Head Surveyor,
Taluk Office, Tambaram,
Chennai 600 045.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to survey the land and lay boundary stones in Survey Nos. 144/1B and 144/1A to the extent of 15 cents within a reasonable time.

For Petitioner : Mr. D.S. Ramesh

For Respondents : Mr.K.M.D. Mukilan
Government Advocate

O R D E R

This Writ Petition has been filed seeking for a Writ of Mandamus, to survey the land and lay boundary stones in Survey Nos.144/1B and 144/1A to an extent of 15 cents within a reasonable time.

2. The learned counsel for the petitioner submitted that his grandfather, namely Sardhar P.M.Adhikesavalu Naicker, was a freedom fighter and for the selfless services rendered by him



for attaining freedom for the country, the Government of Tamil Nadu assigned a property situated at Perunkalathur Village in Survey No.144/1, 144/3 measuring about 4 acres 65 cents in his name vide patta No.65 and from the date of assignment, he was in absolute possession of the above said property.

3. After the death of the petitioner's grandfather, his legal representatives entered into compromise in a Civil suit filed in C.S.No.1019 of 1994 and each legal heir was allotted 59 cents. The petitioner's father P.A.Varadharajan, who was one among the legal heir, was allotted 59 cents in Survey No.144/1B (57 cents) and Survey No.144/1A (2 cents) and he was in absolute possession and enjoyment of the suit property till his death. The petitioner's father died on 25.11.2002. Some of the legal heirs of the petitioner's grandfather have sold their property to third parties. The petitioner, his mother, brother and sister inherited the property of their father P.A.Varadharajan and they are in possession of the same and their mother Mohana Devi, brother Balachendar and sister Anitha Devi released their 3/4th share in favour of the petitioner, through a release deed, dated 21.02.2010 vide document No.6710 of 2010 and she is in possession of the property as an absolute owner.

4. Learned counsel for the petitioner further submitted that the patta of the land stands in the name of his grandfather Sardhar P.M.Adhikesavalu Naicker. He further submits that in a total extent of 59 cents, 37 cents of land was sold to Varadarajan and another 7 cents were sold out to S.Balakrishnan and others and the remaining 15 cents were in his possession and it is a 'vacant land'. The petitioner paid the necessary fees for surveying the land on 31.01.2019 itself in Challan No.002900800A040 and also obtained an acknowledgement for the same. Till date, no measurement has been taken by surveying the land and to lay stones, as per the law and guidelines issued by the Revenue Authorities. Hence, the petitioner submits that he has not been given an opportunity and already three years have gone by and no steps have been taken by the respondent Revenue Authorities to measure the land. Hence, the learned counsel for the petitioner seeks to consider his prayer and to pass appropriate orders in accordance with law.

5. On going through the averments, it is made clear that the land has been assigned for 'freedom fighters' and the petitioner's grandfather being a freedom fighter, the above said



properties were divided between the legal heirs of the said freedom fighter and as per the compromise entered in C.S.No.1019 of 1994 , land to an extent of 59 cents has been allotted to each of the legal heirs of the freedom fighter. The petitioner also inherited the property through his father P.A.Varadharajan and the other legal heirs of the said petitioner's father have released their shares in favour of the petitioner by release deed and when that being the case, the petitioner has a right over the property based on the said averments and the petitioner claims that after he became the absolute owner, he has sold 37 cents and 7 cents to third parties and the remaining 15 cents alone stands in his name. In order to fix the boundaries for his land comprising of 15 cents, the petitioner has also paid the necessary amount by way of challan.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the materials placed before this Court.

7. This Court is of the view that the respondent Authorities concerned, shall survey the land and sub-divide the same, after giving notice to other interest persons and pass appropriate orders on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is Disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

1) The Tahsildar,
Taluk Office, Tambaram, Chennai - 600 045.

2) The Head Surveyor,
Taluk Office, Tambaram, Chennai 600 045.

+1cc to the Government Pleader, S.R.No.43396

W.P.No.13837 of 2019

PL(CO)

SB(13/10/2021)