



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.14526 OF 2021

K. Selladurai ... Petitioner
.Vs.

1. The District Collector,
Perambalur District,
Perambalur.
2. The Revenue Divisional Officer,
Perambalur District,
Perambalur.
3. The Tahsildar,
Alathur Taluk,
Perambalur District.

4. S. Jayanthi ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to make measurement of the petitioner's land measuring 2244 sq.ft in S.No.359/3B3A2 of Irur Village, Alathur Taluk, Perambalur District, as per the sale deed dated 28.06.1996 in Document No.1754 of 1996 by considering the petitioner's representation dated 16.04.2021 by putting boundary stones and make appropriate entries in F.M.B. in S.No.359/3B3A2.

For petitioner ... Mr.Shankar

For respondents ... Mr.Yogesh Kannadasan,
Government Advocate
For R1 to R3

ORDER

This writ petition has been filed seeking a direction to the 3rd respondent to measure the property taking into consideration of the sale deed of the petitioner.



2. According to the petitioner, he has purchased the property in S.No.359/3B3A2, in Irur Village, Alathur Taluk, to an extent of 2244 sq.ft. During the registration, the boundaries have wrongly given. Taking advantage of the same, the 4th respondent is creating problem with the petitioner. Hence, he made a representation before the 3rd respondent to measure the property, but, the same has not been considered so far. Hence, the present writ petition has been filed.

3. In view of the nature of the order going to be passed in the writ petition, which no way prejudice the interest of the 4th respondent, notice to the 4th respondent is dispensed with.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

5. On a perusal of the records, it is seen that already the 4th respondent has approached this court seeking for surveying the land and this Court directed the Tahsildar to consider the 4th respondent's representation and pass suitable orders within a period of twelve weeks. Now, pursuant to the same, the Tahsildar also directed the parties to appear for survey on 28.06.2021. According to the petitioner, he has also appeared before the Tahsildar, but survey was not conducted. Now, the grievance of the petitioner is that while surveying the property, the Tahsildar may be directed to consider the sale deed obtained by the petitioner and other document.

6. Considering the facts and circumstances of the case and the fact that already survey proceedings has been commenced, the 3rd respondent/Tahsildar is directed to survey the property, after giving opportunity to the petitioner as well as the 4th respondent, and also considering the relevant title deeds of the parties, within a period of four (4) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp

To:

1. The District Collector,
Perambalur District, Perambalur.



2. The Revenue Divisional Officer,
Perambalur District,
Perambalur.

3. The Tahsildar,
Alathur Taluk,
Perambalur District.

+1cc to Mr.Shankar, Advocate, S.R.No.33231

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BS (CO)
PBS/16/08/2021