



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19425 of 2021

R.Vinayagam

...Petitioner

Vs.

1.The District Collector,
Cuddalore,
Cuddalore District.

2.The Tahsildar,
Viruthachalam Taluk,
Cuddalore District.

3.The Inspector of Police,
Mandharakuppam Police Station,
Neyveli 2, Cuddalore District.

4.The Land Surveyor,
Viruthachalam Taluk,
Cuddalore District.

...Respondents

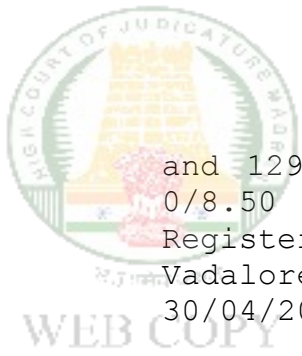
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Mandamus, to direct the fourth respondent to measure the land at no.522/1, Mariyamman Koil Street, Seerangkuppam Village, Viruthachalam Taluk, Cuddalore District, bearing Survey No:129/2C, 129/3C A 0.03 cent in Transacted area 5(3) Patta No.1565, 0/8.50 Hec.Ares and Registered Document No.R/127/1/1861/2015 Registered on 16/07/2015 at Vadalore Sub-Registrar Office, Application no.2021/0105/18/182162 dated 30/04/2021 on the basis of the petitioner representation to the respondents on 09.06.2021.

For Petitioner : Mr.M.Senthamizhselvan

For Respondents: Mr.Yogesh Kannadasan
Government Advocate

ORDER

This Writ Petition has been filed for a mandamus, to direct the fourth respondent to measure the land situated at No.522/1, Mariyamman Koil Street, Seerangkuppam Village Viruthachalam Taluk, Cuddalore District, bearing S.Nos.129-2C



and 129/3C A 0.03 cent in Transacted area 5(3) Patta No.1565, 0/8.50 Hec.Ares and Registered Document No.R/127/1/1861/2015 Registered on 16/07/2015 before the Sub-Registrar Office, Vadalore vide Application No.2021/0105/18/182162 dated 30/04/2021.

2.The case of petitioner is that his mother viz., Valarmathi Ammal purchased a property from one Kasi Chettaiyar on 30.03.1995 in Old S.No.129/2.0.40, New S.No. No.129/3.0.47 totally 0.05 ½ cent property in Document No.541/1995 registered before the Sub-Registrar Office, Vadalore.

3.The petitioner submits that on 16.07.2015 his mother Valarmathi Ammal made a Settlement Deed in his favour with small hut in old S.No.129/3.0.47 acre 0.03 cent in New S.Nos.129/2C and 129/3C in Document No.1861/2015 registered before the Sub-Registrar Office, Vadalore.

4.The petitioner further submits that on 16.07.2015, his mother Valarmathi Ammal gave a Settlement Deed in favour of his young brother Mr.Prakash in S.No.129/2.0.40, 129/3.0.47 acre 0.02 ½ cent with RCC House in New S.Nos.129/2C and 129/3C in Document No.1362/2015 registered before the Sub-Registrar Office, Vadalore.

5.According to the petitioner, after receiving the Settlement Deed from his mother on 16.07.2019, he enjoyed the property in peacefully with his family, his neighbours Prabhakaran and Neelavathi, both are disturbed him and trying to encroach his property.

6.The petitioner submits that after he approached the respondents 2 and 4 for measuring his land at the same time, he has also applied to the Survey Department on 30.04.2021 in Application No.20210430095425.

7.The petitioner further submits that after he sent a representation to all the respondents, the fourth respondent did not measure his land till date.

8.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

9.Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.



10. In view of the above facts and circumstances of the case and considering the submission made by the petitioner, this Court directs the respondents to consider the Application No.2021/0105/18/182162 dated 30/04/2021 and pass appropriate orders based on the petitioner's representation dated 09.06.2021 in accordance with law after issuing notice to the necessary parties, within a period of 12 weeks from the date of receipt of a copy of this order.

11. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

pam

To

1. The District Collector,
Cuddalore,
Cuddalore District.
2. The Tashildhar,
Viruthachalam Taluk,
Cuddalore District.
3. The Inspector of Police,
Mandharakuppam Police Station,
Neyveli 2, Cuddalore District.
4. The Land Surveyor,
Viruthachalam Taluk,
Cuddalore District.

+1cc to Mr.A.Kanaka Velappan, Advocate SR.No.46654
+1cc to the Government Pleader SR.No.47497

W.P.No.19425 of 2021

SVI (CO)
GN(01/12/2021)