



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21421 of 2021

Chellappan

...Petitioner

Versus

1. The District Collector,
Salem District.

2. The Tahsildar,
Edapati Taluk,
Salem District - 637 101.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to measure the property in Survey Nos.39/1 0.60.50 hectares, 40/16B 0.11.00 hectares, 40/1S 0.18.50 hectares, 40/1B 0.08.50 hectares, 39/6 0.25.00 hectares, 40/1N 0.03.00 hectares, 39/22 1.46.00 hectares 40/1W 0.14.00 hectares pursuant to the representation of the petitioner dated 09.04.2021.

For Petitioner : Mr.R.N.Amarnath

For RR1 &2 : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the 2nd respondent to measure the property in Survey Nos.39/1 0.60.50 hectares, 40/16B 0.11.00 hectares, 40/1S 0.18.50 hectares, 40/1B 0.08.50 hectares, 39/6 0.25.00 hectares, 40/1N 0.03.00 hectares, 39/22 1.46.00 hectares 40/1W 0.14.00 hectares pursuant to the representation of the petitioner dated 09.04.2021.

2. The case of the petitioner is that Nedungulam Primary Agricultural Cooperative Society Limited brought the properties for sale owned by the erstwhile Assistant Secretary of the Society Limited 10606, Mr.J.Kandasamy and his wife Mrs.Sudha and his father Mr.K.Jayaraman in following Survey Nos.No.39/1 0.60.50 hectares 40/16B 0.11.00 hectares, 40/1S 0.18.50 hectares, 40/1B 0.08.50 hectares, 39/6 0.25.00 hectares, 40/1N 0.03.00 hectares, 39/22 1.46.00 hectares 4./1W 0.14.00 hectares respectively for sale on public auction for the default and misappropriation committed by Mr.Jayaraman and his family members, held on 18.11.2020 conducted by the Deputy Registrar



of Co-operative Society, Sangagiri Circle, Sangagiri and the petitioner has participated and he offered the highest bid a sum of Rs.59,15,000/- (Rupees Fifty Nine Lakhs Fifteen Thousand Only) as sale price. The petitioner's bid was the highest and the Deputy Registrar of Co-operative Society, Sangagiri Circle, Sangagiri accepted the same and executed a Sale Deed registered as Document No.4986 of 2020 dated 21.12.2020 on the file of Sub-Registrar Office, Edappadi. Thereafter, he has mutated all the Revenue Records like Patta and Adangal in favour of him and he is in possession of the property by cultivating the same. In view of the fact that the boundaries are not properly demarcated in the field with survey stones. Therefore, he filed an application before the 2nd respondent on 09.04.2021 seeking to measure and demarcate the aforesaid property and lay the boundary stone and he has also paid a sum of Rs.6,400/- (Rupees Six Thousand Four Hundred only) towards charges as required by the 2nd respondent. Hence, in view of General Election, the Officials of the Revenue Department have not come forward to measure and demarcate the property even after the General Election is over, the Revenue Authorities have not taken any steps on the petitioner's representation. Therefore, he sent a reminder on 26.08.2021, but, till date, no action has been taken by the Revenue Officials. Hence, the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 2nd respondent to measure and demarcate the property in pursuant to the representation of the petitioner dated 09.04.2021.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 2nd respondent/Tahsildar to consider the petitioner's representation dated 09.04.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and necessary parties within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar



gba/msm

To

WEB COPY

1. The District Collector,
Salem District.

2. The Tahsildar,
Edapati Taluk, Salem District - 637 101.

+lcc to Mr.R.N.Amarnath, Advocate, S.R.No.52235

W.P.No.21421 of 2021

SSD(CO)
SB(29/11/2021)