



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.22215 of 2021

R.Saravanan, S/o. Ramamurthi,

... Petitioner

-Vs-

1. The District Collector,
Cuddalore District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Tittakudi Taluk,
Virudhachalam.
3. The Tahsildar,
Tittakudi Taluk,
Tittakudi,
Cuddalore District.

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondents to survey and fix the boundary stones for the lands comprised in S.No.190/3B1 measuring 0.45.0 Ares and S.No.190/4B measuring 0.44.0 Ares both situate at Korakkavadi Village, Tittakudi Taluk, Cuddalore District in the presence of the second Respondent and pass orders accordingly.

For Petitioner : Mr. S. Mohan
(For M/s. E.Prabu)

For Respondents : Mr.Yogesh Kannadasan
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to survey and fix the boundary stones for the lands comprised in S.No.190/3B1 measuring 0.45.0



Ares and S.No.190/4B measuring 0.44.0 Ares both situate at Korakkavadi Village, Tittakudi Taluk, Cuddalore District in the presence of the second Respondent and pass orders accordingly.

2. The learned counsel for the petitioner would submit that the property admeasuring 9.40 acres comprised in S.Nos.190 and 192 of Korakkavadi Village, Tittakudi Taluk, Cuddalore District, originally belonged to Mr.Muthusamy Udayar who is grandfather of the petitioner herein. After the death of Mr.Muthusamy Udayar, his legal heirs namely, Mr.Sivaganesan and Mr.Ramamurthy who are his sons inherited the same. After inheriting the said property, there is no partition of the properties taken place so far. However during the UDR, in S.No.190/1A-0.44.5 cents, in S.No.190/4A-0.44.0 Vide Patta No.242; in S.No.190/3A 0.50.0 Cents Vide Patta No.138; and in S.No.192/6A-0.52.50, in S.No.192/6B 01.0 Vide Patta No.1337 totaling in all 4.99 acres was mutated in the name of Mr.Sivaganesan. Similarly, in S.No.190/1B - 0.32.0 cents, in S.No.190/2A 0.10.0 cents, in S.No.190/3B - 0.92.5 cents, in S.No.190/4B 0.44.0 cents and in S.No.190/3C -0.44.5 cents totaling in all 4.44 acres Vide Patta No.627, were muted in the names of Mr.Ramamurthi. In the meanwhile, the said Mr.Sivaganesan has sold the lands covered under the Patta Numbers 138, 2427 & 1337 to one Mr.Jalauddin, Vide Sale Deed, dated 22.07.2004 and the same was mutated in his name.

3. It has been further submitted that the petitioner and his brothers have partitioned the property of their father namely, Mr.Ramamurthi in the year 2019. In the said partition, the petitioner has been allotted the properties in S.No.190/3B1 measuring 0.45.0 Ares and S.No.190/4B measuring 0.44.0 Ares which situate at Korakkavadi Village, Tittakudi Taluk, Cuddalore District. Thereafter when the petitioner took steps to survey his lands, the adjacent land owner namely, Mr. Jalauddin, who bought the land from his father's brother, had influenced the Surveyor and Village Administrative Officer and caused obstacles in conducting the Survey of Lands. After much effort, the lands were surveyed and the boundary stones were laid for the aforesaid properties belonged to the petitioner herein. Thereafter the said Mr.Jalauddin in collusion with the VAO of the said Village, removed the boundary stones laid in the site without any right or authority. Immediately, the petitioner complained the same to the Tahsildar, and the Head-Quarters Surveyor, where he was advised to file appeal to the Revenue Divisional Officer. Hence the petitioner filed a Petition before the Revenue Divisional Officer after having paid a sum of Rs.4,000/- on 14.06.2021 being the charges for effecting Re-Survey and lay the boundary stones for the said property. The Head Quarters Surveyor had also fixed date of Re-Survey and also issued notice of inspection to the parties concerned. However



upon extraneous influence of adjacent land owner Mr. Jalaluddin, the VAO and the Surveyor have been successfully avoiding, delaying and preventing the Re-Survey of the aforesaid lands owned by the petitioner herein on one pretext or other. Even though, the petitioner is regularly meeting the officials of the third respondent to Re-survey the lands at the earliest but nothing fruitful has happened so far. In fact, the Re-survey was fixed on 22.07.2021 and the same was cancelled in the middle of the same by the VAO citing Law and Order Problems. Again the Head Quarters Surveyor fixed the date of Survey on 06.09.2021 and the same was also cancelled without any reasons. Under such circumstances, the petitioner has lodged complaint against the Tahsildar and V.A.O., as they have turned inimical against the petitioner and pressurizing him to withdraw his complaint lodged against them, otherwise the survey will not take place. Unless the property is surveyed at the earliest point of time and the boundary stones are fixed for the lands comprised in S.No.190/3B1 measuring 0.45.0 Ares and S.No.190/4B measuring 0.44.0 Ares both situate at Korakkavadi Village, Tittakudi Taluk, Cuddalore District in the presence of the second Respondent, the petitioner is not in a position to cultivate the lands thereby the petitioner will be put to irreparable loss and untold hardship. Hence, having no other option except to approach this Hon'ble Court by invoking the writ jurisdiction under Article 226 of constitution of India, the petitioner has filed the present Writ petition seeking for Writ of Mandamus directing the respondents to survey and fix the boundary stones for the aforesaid lands in the presence of the second Respondent and pass orders accordingly.

4. The learned Government Advocate appearing for the respondents would submit that the petitioner has given complaint to higher authorities for not surveying the said property and laying boundary stones so far even though the petitioner has paid necessary charges in this regard. It is to be noted that the land of the petitioner has already been surveyed and laid boundary stones by the surveyor, they have been removed by the adjacent land owner. Hence, the petitioner has filed a petition before the RDO concerned after paying necessary fees for re-survey the lands and re-fixing the boundary stones. In order to avoid land dispute between the petitioner and the adjacent owner, the respondents may be directed to re-survey the aforesaid lands and fix the boundaries as per the title documents relied by the petitioner herein after seeking protection from the Local Police during the said work.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.



6. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, this Court without expressing any opinion with regard to the merits of the case, directs the respondents to hold an enquiry in this regard after calling upon the parties concerned and re-survey the said land based on the documents produced by the petitioner herein and fix boundary stones in the said property with the help of the local police to avoid law and order problems within a period of two months from the date of receipt of copy of this order and pass appropriate orders on the petition filed by the petitioner herein in accordance with law.

7. With the aforesaid directions, the present Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The District Collector,
Cuddalore District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Tittakudi Taluk,
Virudhachalam.
3. The Tahsildar,
Tittakudi Taluk,
Tittakudi,
Cuddalore District.

+1cc to M/s.S.Mohan, Advocate, S.R.No.54313

W.P. No.22215 of 2021

RP(CO)
SU(24/11/2021)