



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.24282 OF 2021

AND

W.M.P.NO.25595 OF 2021

A.Muthukrishnan

... Petitioner

-Vs-

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Block Development Officer,
Kammapuram Block,
Virudhachalam Taluk,
Cuddalore District.
3. The Firka Surveyor,
Vriddhachalam Taluk Office,
Vriddhachalam, Cuddalore District.
4. The Village Panchayat President,
Mudhanai Village Panchayat & Post,
Kammapuram-Unior, Vriddhachalam-Taluk,
Cuddalore District-607 804.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 & 2 to consider the representation of the petitioner dated 16.10.2021 and cause re-survey of Muthanai Village for the purpose of laying the sewage canal in Mu.Veerattikuppam-Village, Ward No.1, South Street, Muthanai Post.

For Petitioner : Ms.AL.Gandhimathi

For R1 and R3 : Mr.A.Selvendran
Special Government Pleader.

For R4 and R2 : Mr.T.Arun Kumar
Additional Government Pleader.



ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 16.10.2021 and cause re-survey of Muthanai Village for the purpose of laying the sewage canal in Mu.Veerattikuppam-Village, Ward No.1, South Street, Muthanai Post.

2. Heard, Ms.AL.Gandhimathi, learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.T.Arun Kumar, learned Additional Government Pleader appearing for the fourth respondent.

3. The case of the petitioner is that the petitioner owned property comprised in survey No.46/15D to an extent 291.82 sq.ft (No.1), in survey No.46/4 to an extent of 6.67 cents (No.2) and in survey No.46/14B to an extent of 5 cents (No.3) situated at Mu.Veerattikuppam Village, Ward No.1, South Street, Muthanai, Vridhachalam Taluk. The said first and second properties were bequeathed in favour of his father. It was allotted in favour of his father by a family partition deed dated 01.02.1973 registered vide document No.212 of 1973. The third property was purchased by his father by a registered sale deed dated 27.01.1981 vide document No.80 of 1981.

4. While being so, the first respondent had approved to lay the Sewage Canal in the village. On the strength of the approval, the third respondent conducted survey and ear marked the boundaries of laying the Sewage Canal. The third respondent while survey the boundary of canal, the fourth respondent had interfered in the boundary marking process and marked the boundaries in the land owned by the petitioner. Therefore, the petitioner submitted a representation to re-survey his land as per the partition deed executed in favour of his father and the sale deed dated 27.01.1981 stood in the name of his father.

5. The learned counsel for the respondents 2 and 4 submitted that as per the revenue records, they surveyed the land and had ear marked the boundaries to lay the Sewage Canal in the Muthanai Village, Vridhachalam Taluk. The petitioner encroached some portion of the Kammapuram Main Road and claiming that portion of the land marked in their patta land, while laying the Sewage Canal.

6. Considering the above, the second respondent is directed to survey the land as per the sale deed executed in



favour the petitioner's father and the partition deed executed in favour of the petitioner's father, after issuance of notice to the petitioner and mark the boundaries to lay the Sewage Canal, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Block Development Officer,
Kammapuram Block,
Virudhachalam Taluk,
Cuddalore District.
3. The Firka Surveyor,
Vriddhachalam Taluk Office,
Vriddhachalam, Cuddalore District.
4. The Village Panchayat President,
Mudhanai Village Panchayat & Post,
Kammapuram-Unior, Vriddhachalam-Taluk,
Cuddalore District-607 804.

+1cc to M/s.AL.Gandhimathi, Advocate, S.R.No.58761
+1cc to M/s.T.Arun Kumar, Advocate, S.R.No.58634
+1cc to the Government Pleader, S.R.No.59012

W.P.No.24282 of 2021
and
W.M.P.No.25595 of 2021

VSNI (CO)
RLP (30/12/2021)