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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.32299 of 2018

N.Meenakshi

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collectorate,
Vellore, Vellore District.

2.The Tahsildar,
O/o. the Tahsildar,
Ambur, Ambur Taluk, Vellore District.

3.The Taluk Surveyor,
Ambur Taluk Office (Survey Section),
Ambur, Ambur Taluk, Vellore District.

4.Siva

5.Ramu

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to survey the land comprised in S.No.56/2A in Patta No.196 to an extent of 60 cents situated at Aeyathampattu Village, Ambur Taluk, Vellore District, on the basis of the petitioner's son's representation dated 04.06.2018, within a time frame.

For Petitioner : Mr.Arokia Dass
For M/s.Dass and Viswa Asso.

For Respondents 1to 3 : Mr.Richardson Wilson
Counsel for Government

For Respondents 4 & 5 : Mr.N.P.Kumar



ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents 1 to 3 to survey the land comprised in S.No.56/2A in Patta No.196 to an extent of 60 cents situated at Aeyathampattu Village, Ambur Taluk, Vellore District, on the basis of the petitioner's son's representation dated 04.06.2018.

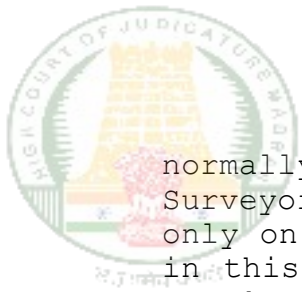
2.Insofar as the land at Survey No.56/2A to the extent of 60 cents situated at Aeyathampattu Village, Ambur Taluk, Vellore District, there is a claim by the petitioner that the land belongs to her and there is a counter claim by the private respondents that the land belongs to them.

3.In this regard, when an application was filed by the petitioner to the Revenue Authorities i.e., the Tahsildar concerned to measure the land in question to identify the four boundaries, it seems that the private respondents had raised objection for even measuring the land. Therefore, the official respondents could not proceed further in measuring the land. Therefore, at that stage, it seems that the attempt to make the measurement of the land has come to a stand still and in order to overcome the objection made by the private respondents and to go ahead with the measurement work of the land in question, the petitioner had given a representation on 04.06.2018 to the first respondent District Collector seeking a direction from the District Collector to give a direction to the second and third respondents to measure the land and to identify the four boundaries and the said representation since had not been considered, the petitioner approached this Court with the aforesaid prayer.

4.Heard Mr.Arokia Dass, learned counsel appearing for the petitioner, who would submit that, the petitioner is the owner of the property as she has purchased the land through valid sale deed, therefore on that strength, she wanted to measure the land.

5.However, Mr.N.P.Kumar, learned counsel appearing for respondents 4 and 5 would submit that they also purchased the property in question i.e., the same property and therefore, as per the document which are available with the respondents alone, the measurement has to be undertaken by the second respondent.

6.However, Mr.Richardson Wilson, learned counsel for Government appearing for the official respondents would submit that, if at all any application is filed to measure a particular land and in this regard, objection have come from any third parties claiming title or patta over the land in question,



normally the Revenue Authorities i.e., Tahsildar and Taluk Surveyor would go ahead the measurement of the land concerned only on the basis of the revenue records available with them and in this context, if there is any further grievance or objection on the part of the private parties having a claim and counter claim over the ownership or otherwise of the property in question, the parties can very well be relegated to the Civil Court to establish their right with regard to the title and otherwise of the land in question.

7.I have heard the submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

8.In view of the said rival submissions made by the learned counsel appearing for the petitioner as well as the private respondents and also the submission of the learned counsel for Government who has made the stand of the Revenue Authorities to meet out the situation like this, this Court is inclined to dispose of this writ petition with the following orders:

That the second and third respondents are hereby directed to consider the request of the petitioner dated 04.06.2018 which has been in fact addressed to the first respondent. Therefore, a copy of the same shall be forwarded by the petitioner to the second and third respondents within two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall issue notice to both petitioner as well as the fourth and fifth respondents and after fixing a date, the land in question i.e., at Survey No.56/2A situated at Aeyathampatti Village, Ambur Taluk, Vellore District shall be measured only as per the available record with the Revenue Department and after completing the measurement and after identifying the four boundaries of the land concerned, the same can be communicated to both the petitioners in writing on getting due acknowledgement, beyond which, no further work can be undertaken to lay the boundary stone and in this regard, if at all any further dispute arises between the petitioner and private respondents, they can be relegated to the Civil Court to resolve the same in the manner known to law. The aforesaid needful shall be undertaken by the second and third respondents within a period of eight weeks from the date of receipt of a copy of this order.



9. With these directions, this Writ Petition is disposed of.
However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS VIII)

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//True Copy//

Sub Assistant Registrar

Sgl
To

1. The District Collector,
O/o. The District Collectorate,
Vellore, Vellore District.

2. The Tahsildar,
O/o. the Tahsildar,
Ambur, Ambur Taluk, Vellore District.

3. The Taluk Surveyor,
Ambur Taluk Office (Survey Section),
Ambur, Ambur Taluk, Vellore District.

+1 cc to Government Pleader Sr.No. 29562 (05.08.2021)

W.P.No.32299 of 2018

PCH(CO)
B.VC(23.07.2021)