

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.32463 of 2018

Kuppammal

...Petitioner

-Vs-

1. The Tahsildar
Maduravoyal Taluk,
Thiruvallur District.
2. The Inspector of Police (Law & Order)
V-7 Police Station,
Nolambur, Chennai - 600 037.
3. Mari @ Vasantha KUmar
4. Kantha
5. Udayakumar

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent herein to depute a Surveyor to survey, inspect and measure the said property and submit a report about the actual measurement and boundaries of the petitioner mentioned property in No.57, Vembuli Amman Kovil Street, Periya Nolambur, Chennai - 600 095, Patta No.36, Grama Natham Survey No.217/5, admeasuring 992 sq.ft., morefully described here under in pursuance to the request letter, dated 28.06.2018 and 03.05.2018 with aid of the second respondent herein.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents : Mr.J.Pothiraj
Special Government Pleader
for R1 and R2
Mr.M.Velmurugan for R3 to R5

O R D E R

The prayer sought for herein is for a writ of mandamus, directing the first respondent herein to depute a Surveyor to survey, inspect and measure the said property and submit a report about the actual measurement and boundaries of the

petitioner mentioned property in No.57, Vembuli Amman Kovil Street, Periya Nolambur, Chennai - 600 095, Patta No.36, Grama Natham Survey No.217/5, admeasuring 992 sq.ft., morefully described here under in pursuance to the request letter, dated 28.06.2016 (wrongly stated in the prayer as 28.06.2018) and 03.05.2018 with aid of the second respondent herein.

2. It is the case of the petitioner that the land to the extent of 992 sq.ft. at Survey No.217/5 in Vembuliamman Koil Street, Periya Nolambur, Chennai - 95 was a Grama Natham land, which had been in possession and enjoyment of the petitioner and his forefathers for several years. Therefore, during the updated survey, the occupied portion of the petitioner and his forefather at the aforesaid survey number having been considered, patta was given to the petitioner in Patta No.36 dated 21.01.2010.

3. Though the petitioner has obtained patta from the respondents and has been in continuous enjoyment of the property in question, there has been some dispute between the private respondents who are the neighbours according to the petitioners and therefore, in order to purchase peace, the petitioner wanted to measure the land in question and to identify the four boundaries. Therefore, in this regard, the petitioner has paid the necessary fee and made a request to the respondents to measure the land to identify the four boundaries and to lay the boundary stones. However, the said request since has not been considered so far by the respondents, the petitioner has approached this Court by filing the present writ petition.

4. Heard Mr.R.Abdul Mubeen, learned counsel appearing for the petitioner who having reiterated the aforesaid seeks indulgence of this Court to issue a suitable direction to the official respondents to measure the land in question, of course after giving notice to both petitioner as well as the private respondents.

5. Heard Mr.J.Pothiraj, learned Special Government Pleader appearing for the official respondents who would submit that, based on the strength of the patta claimed to have been given to and in favour of the petitioner dated 21.01.2010, since the petitioner claimed ownership of the land in question and accordingly, he seeks measurement of the land in question, certainly that would be considered and if there is any rival claim from the private respondents, after giving notice to the petitioner and private respondents and in the presence of them, measurement would be taken to the land in question and file a report to that effect for the purpose of identifying the four boundaries of the land in question and to lay the boundary stone within a time frame.

6. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7. Since the petitioner claimed that, the land in question has been given patta to the petitioner by Patta No.36, dated 21.01.2010 and even prior to the patta and subsequent to that also, even till date, the petitioner had been in possession and enjoyment of the property and since he has become owner of the land after issuance of the patta, he has got every right to measure his land and accordingly, he has given representation on 28.06.2016 to the respondent Tahsildar, i.e. the first respondent, though it is has wrongly stated in the prayer as 28.06.2018. However, since the same has not been considered, he has rightly approached this Court by filing the writ petition seeking the aforesaid prayer. Hence, this Court feels that, a direction can be given to the first respondent to measure the land in question within a time frame, of course after giving notices to both parties to identify the four boundaries after collecting fee in this regard, if not already collected.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders.

(i) That there shall be a direction to the first respondent to consider the request of the petitioner dated 28.06.2016 and accordingly take necessary steps to measure the land in question, after giving notice to both petitioner as well as the private respondents herein and in their presence, necessary measurement of the land can be conducted and accordingly, the four boundaries can be identified and a report to that effect can be furnished to the petitioner as well as the other private respondents.

(ii) In this regard, if any fee has to be collected from the petitioner, the same can be collected from him and after the payment of the said fee, the needful as indicated above shall be completed by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order.

9. With these directions, this Writ Petition is disposed of.
No costs.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

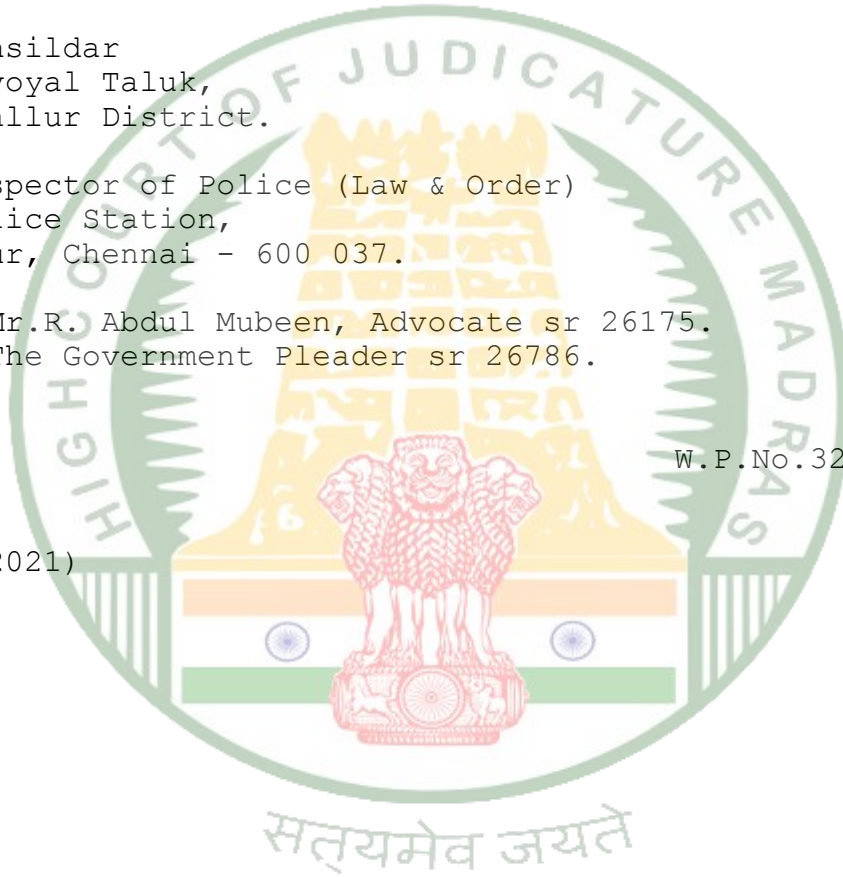
tsvn/sgl
To

1. The Tahsildar
Maduravoyal Taluk,
Thiruvallur District.
2. The Inspector of Police (Law & Order)
V-7 Police Station,
Nolambur, Chennai - 600 037.

+1 CC to Mr.R. Abdul Mubeen, Advocate sr 26175.
+1 CC to The Government Pleader sr 26786.

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RGN(CO)
SP(06/07/2021)



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