



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.8235 of 2022

R.G.Arumugam

... Petitioner

vs.

1. The District Collector,
Vellore District,
At Vellore.
2. The Revenue Divisional Officer,
O/o. RDO,
Vellore District.
3. The Tahsildar,
Pernampattu Taluk,
Vellore District.
4. The Head Surveyor,
O/o.Tahsildar,
Pernampattu Taluk,
Vellore District.
5. The Sub Taluk Surveyor,
O/o.Tahsildar,
Pernampattu Taluk,
Vellore District.
6. The Village Administrative Officer,
M.V.Kuppam,
Vellore District.
7. S.Murugan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 3 to 6 to measure the petitioner's property situated in Old Survey No.85B/1, New Survey No.118/4, Melmurungai Village, Pernampattu Taluk, Vellore District totally to an extent of 0.70 Sq.mt. and earmark the same by erecting milestones by considering the petitioner's representation dated 09.09.2021 pursuant to the letter correspondence O.M.D3/10803/2021 dated 22.10.2021 issued by 1st respondent to the 3rd respondent.



For Petitioner : Mr.A.Rajeshkanna
For Respondents : Mr.V.Veluchamy
Additional Government Pleader

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ORDER

This writ petition has been filed seeking for a issuance of a writ of Mandamus to direct the respondents 3 to 6 to measure the petitioner's property situated in Old Survey No.85B/1, New Survey No.118/4, Melmurungai Village, Pernampattu Taluk, Vellore District totally to an extent of 0.70 Sq. metre and earmark the same by erecting milestones by considering his representation dated 09.09.2021 pursuant to the letter correspondence O.M.D3/10803/2021 dated 22.10.2021 issued by 1st respondent to the 3rd respondent.

2. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that the property in above said survey number situated in said village belongs to one Govindammal i.e., petitioner's grandmother. While that being so, said Govindammal died leaving behind her legal heirs including the petitioner. Thereafter, Patta in respect of S.No.118/3 in Patta No.119 of an extent of 0.66 Sq. mt. was issued in favour of legal heirs of late Manickam. One Murugan / 7th respondent i.e., one of the legal heirs of late Subramani, executed settlement deed in respect of the above said survey number and creating dispute with regard to the said property. Since the disputed property belongs to petitioner's grandmother, he made a representation to the concerned officials on 09.09.2021, to measure the disputed property and earmark the same with boundary stones. On considering the same, the 1st respondent vide letter dated 22.10.2021, directed the 3rd respondent to take necessary action by considering the representation of the petitioner. Since no action has been taken by the respondents, the petitioner has come up with the present Writ Petition seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents 3 to 6 to consider the petitioner's representation dated 09.09.2021 and pass orders on merits within a particular time frame to be fixed by this Court.



5. The learned Additional Government Pleader for respondents has no objection for said order being passed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents 3 to 6 to consider the petitioner's representation dated 09.09.2021 and pass

appropriate orders on merits and in accordance with law, after affording opportunity to the petitioner as well as the private respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

7. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Vellore District,
At Vellore.
2. The Revenue Divisional Officer,
O/o. RDO,
Vellore District.
3. The Tahsildar,
Pernampattu Taluk,
Vellore District.
4. The Head Surveyor,
O/o.Tahsildar,
Pernampattu Taluk,
Vellore District.
5. The Sub Taluk Surveyor,
O/o.Tahsildar,
Pernampattu Taluk,
Vellore District.



6. The Village Administrative Officer,
M.V.Kuppam,
Vellore District.

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+1cc to M/s.A.Rajesh Kanna, Advocate, S.R.No.23362

+1cc to the Government Pleader, S.R.No.24284

W.P.No.8235 of 2022

SRA(CO)
SU(02/05/2022)