



W.P.No.31743 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31743 of 2022

P.V.Lakshmi Dharaprasad

... Petitioner

vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Tahsildar,
Tiruttani Taluk, Pattabiramapuram Taluk,
Thiruvallur District.

3. The Sub-Inspector of Survey,
Cherrukkanur Firka, Tiruttani Taluk,
Tiruttani, Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order bearing Na.Ka.No.2129/2022/A6 dated 30.08.2022 on the file of the second respondent and to quash the same as Null and Void and to direct the respondents 2 and 3 to demarcate from and out of the survey field bearing S.No.92/1 measuring an extent of 34 Acres situate in



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Thummalacheruvu Village, Tiruttani Taluk, Thiruvallur District, the S.No.92/3, measuring an extent of 9 Acres 50 Cents (as per present Patta No.737 and previous patta No.377) & S.No.92/4, measuring an extent of 5 Acres (as per Patta No.380) by metes and bounds, as well as to measure the land on field and fix the survey stones demarcating S.No's.92/3 & 92/4.

For Petitioner : Mr.K.Surendranath

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the the impugned order bearing Na.Ka.No.2129/2022/A6 dated 30.08.2022 on the file of the second respondent and to direct the respondents 2 and 3 to demarcate from and out of the survey field bearing S.No.92/1 measuring an extent of 34 Acres sitaute in Thummalacheruvu Village, Tiruttani Taluk, Thiruvallur District, the S.No.92/3, measuring an extent of 9 Acres 50 Cents (as per present Patta No.737 and previous patta No.377) & S.No.92/4, measuring an extent of 5 Acres (as per Patta No.380) by metes and bounds, as well as to measure the land on field and fix the survey stones demarcating S.Nos.92/3 & 92/4.



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2. It is the case of the petitioner that his ancestors were in possession an enjoyment of the above said property situated in said Village. Thereafter, petitioner's father on perusing the Field Map Book sketch for the S.No.92, the sub divided S.Nos.92/3 and 92/4 were not shown and the A Register shows that Patta Nos.773 and 380 for the sub-divided S.Nos.92/3 and 92/4 stands in the name of one P.V.Sriramalu and Mohanarao. While so, the petitioner's father made a representation dated 11.11.2015 before the Revenue Divisional Officer to carry out the sub-divisions in the FMB sketch, retained by the Revenue Officials. The Revenue Divisional Officer vide proceedings dated 30.12.2016 directed the Tahsildar to take appropriate steps and forward the report to him. Subsequently, petitioner's father requested the authorities to measure and refix the survey stones for the lands comprised in S.Nos.92/3 and 92/4. After the demise of petitioner's father, petitioner made representation before the revenue officials for fixation of boundary stones. However, the second respondent sent the impugned letter dated 30.08.2022, stating that the third respondent could not carry out the measurement of the lands as there were objections from the villagers. Challenging the same, the present writ petition has been filed seeking the



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aforesaid relief.

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3. Learned counsel for the petitioner fairly conceded that as against the order passed by the second respondent, there is an effective appeal remedy available before the jurisdictional Revenue Divisional Officer under Section 11 of Tamil Nadu Survey and Boundaries Act, 1923. Hence, he restricted his prayer and sought permission of this Court to file an appeal before the jurisdictional Revenue Divisional Officer.

4. Heard the arguments advanced on either side and perused the materials available on record.

5. In view of the fair stand taken by the learned counsel for the petitioner, this Court without interfering with the order under challenge, grants permission to the petitioner to file appropriate appeal before the jurisdictional Revenue Divisional Officer under Section 11 of Tamil Nadu Survey and Boundaries Act, 1923 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal petition, the



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second respondent is directed to consider the same on merits and dispose of the said appeal in accordance within a period of six weeks thereafter.

6. Accordingly this writ petition is disposed of. No costs.

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Index : Yes/No

Speaking order : Yes/No

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