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W.P.No.23627 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23627 of 2023

Sri P.Natesan

... Petitioner

Vs.

1.The District Collector,
Erode District.

2.The Revenue Divisional Officer,
Anthiyur Taluk,
Anthiyur.

3.The Tahsildar,
Anthiyur Tk,
Anthiyur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Na.Ka.3488/2022/S1 and quash the proceedings dated 14.07.2023 passed therein and further direct the respondents therein to measure the petitioner's 6.04 acres land situated in S.No.286/4, 287/3 and 300/1 – Patta Numbers 619, 752 and 755 situtated in Erode District, Ammapettai Sub-Registrar District, Bhavani Taluk, Patlur Village.



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For Petitioner : Mr.B.Raveendran
For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

The memo dated 14.07.2023 issued by the Revenue Tahsildar, Anthiyur is under challenge in the present Writ Petition.

2. The petitioner states that he had approached the 3rd respondent / the Tahsildar to survey the subject property belonging to him and he had paid the necessary charges on 08.04.2023. The 3rd respondent has not initiated any action to conduct the survey and the petitioner thereafter submitted a Monday Petition before the District Collector, which was referred to the Tahsildar. Based on the said petition, the impugned memo has been issued stating that the petitioner purchased the subject land through Document No.3065 of 2022 and during inspection, the authorities found that the petitioner is insisting the Surveyor to measure the lands not belonging to him.



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3. The learned Government Advocate appearing on behalf of the respondents made a submission that the survey has already been conducted in respect of the lands belonging to the petitioner and the details were also provided to him. Since the petitioner insisted the Government Surveyors to survey the lands not belonging to him, the authorities refused to accept the request of the petitioner and thus, the writ petition is to be rejected.

4. The facts, as stated above by the learned Government Advocate are reiterated in the counter filed by the Tahsildar. The counter states that the lands in R.S.Nos.286/4, 287/3 and 300/1 are only noted in the application dated 10.04.2023 of the petitioner. The petitioner submitted a copy of the challan dated 08.04.2023 for Rs.1,000/- towards survey fess intended for survey of lands in R.S.Nos.286/4, 287/3 and 300/1. The lands noted in the application and the challan were properly surveyed and measured by the Surveyor along with the Village Administrative Officer concerned and shown the boundaries to the petitioner's property and necessary reply was also given to the petitioner by the Tahsildar. The details regarding the reply was also given to the petitioner but has not been stated in the counter-affidavit. If at all any reply has been given, the learned counsel for the



petitioner states that the copy of the same is to be furnished to the petitioner.

Thus, the authorities shall furnish the copy of the reply to the petitioner.

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5. As far as the request of the petitioner to conduct further survey does not arise in this case, since the lands belonging to the petitioner were surveyed at his request on earlier occasion and if the petitioner is not satisfied with the survey conducted by the Government Surveyor, he is at liberty to approach the competent Civil Court of law for the purpose of declaration of his rights or otherwise.

6. With this observation, the Writ Petition stands disposed of. No costs.

13.09.2023

skr
Index : Yes
Speaking order



To

- 1.The District Collector,
Erode District.
- 2.The Revenue Divisional Officer,
Anthiyur Taluk,
Anthiyur.
- 3.The Tahsildar,
Anthiyur Tk,
Anthiyur.



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S.M.SUBRAMANIAM, J.

skr

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