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WP.No.35476 of 2024

In the High Court of Judicature at Madras

Dated : 29.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35476 of 2024

Krishnamoorthy

...Petitioner

Vs

1.The District Collector,
Ariyalur.

2.The Tahsildar, Andimadam,
Ariyalur District.

3.Paramasivam

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 and 2 to consider and pass order on the petitioner's representations dated 18.6.2024 and 27.7.2024 in regard to modify the present FMB sketch to the original.

For Petitioner : Mr.A.Murthy
For R1 & R2 : Mr.G.Velu, AGP

ORDER

Seeking a Mandamus to respondents 1 and 2 to consider his representations dated 18.6.2024 and 27.7.2024, the petitioner is before this Court.



WP.No.35476 of 2024

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for respondents 1 and 2.

3. The case of the petitioner is that by way of a partition, he acquired the property in Survey No.7/1A measuring an extent of acre 1.33 cents out of a total extent of acres 3.83 cents situated at Silambur Village, Udayarpalaym, now Andimadam Taluk, Ariyalur District. From that date onwards, he has been in possession of the said property. The revenue records were also mutated and patta No.361 was also issued in favour of the petitioner.

4. While so, the third respondent filed O.S.No.118 of 2010 on the file of the Additional District Munsif Court, Jayamkondan against the petitioner, respondents 1 and 2 and the Revenue Divisional Officer, Udayarpalayam seeking a decree for permanent injunction restraining the petitioner from interfering with his peaceful possession and for a mandatory injunction against the respondents to carry out necessary corrections in the field measurement book sketch. After trial, the said suit was dismissed by judgment dated 27.3.2024. However, pending the said suit, the third respondent got the field measurement book sketch amended with the help of the



WP.No.35476 of 2024

second respondent, which amounted to grabbing of the petitioner's property.

5. Thereafter, the petitioner made representations dated 18.6.2024 and 27.7.2024 to the second respondent for correcting the field measurement book sketch to its original position. Despite receiving the said representations, the second respondent has not proceeded to correct the same. Hence the writ petition.

6. Since the second respondent, who is the authority entrusted with the aforesaid duty, failed to perform his duty, the writ petition is allowed and a Mandamus is issued to the second respondent to consider the petitioner's representations dated 18.6.2024 and 27.7.2024 for modification of the field measurement book sketch and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs.

29.11.2024

To

1.The District Collector,
Ariyalur.

2.The Tahsildar, Andimadam,
Ariyalur District.

RS



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WP.No.35476 of 2024

P.T.ASHA,J

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WP.No.35476 of 2024

29.11.2024