



WEB COPY



W.P.No.24976 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24976 of 2024
and
W.M.P.No.27312 of 2024

D.Rajkumar

... Petitioner

VS.

- 1.The District Collector,
Office of Collectorate,
Krishnagiri.
- 2.The District Revenue Officer,
Krishnagiri.
- 3.The Assistant Director,
District Rural Development Agency (DRDA)
Krishnagiri District.
- 4.The Block Development Officer,
Eriyur Panchayat Union,
Pochampalli Block,
Krishnagiri.
- 5.The Tahsildar,
Pochampalli Taluk,
Krishnagiri District.



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6.The Executive Officer,
Nagojanahalli Town Panchayat,
Pochampalli Taluk,
Bargur Union, Krishnagiri.

7.The President,
Nagojanahalli Town Panchayat,
Pochampalli Taluk,
Bargur Union, Krishnagiri.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to measure the land and the patta land in Old Survey No.949, New Survey No.949/2, situated at Nagojanahalli Village, Pochampalli Taluk, Krishnagiri District prior to the laying burial ground and to take action as against the respondents 6 and 7 based on the representation of the petitioner dated 01.07.2024 within a stipulated time as fixed by this Court.

For Petitioner : Mr.M.Selvam

For R1 to R3 and R5 : Mr.P.Sathish
Additional Government Pleader

For R4, R6 and R7 : Mr.T.Arunkumar
Additional Government Pleader



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ORDER

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The petitioner herein seeks a direction to the respondents 1 to 5 to measure the land in Old Survey No.949, New Survey No.949/2 situated at Nagojanahalli Village, Pochampalli Taluk, Krishnagiri District and also take necessary action against the respondents 6 and 7, by considering his representation dated 01.07.2024.

2. According to the petitioner, he and one Vajiram purchased 1.89 cents of land in the above mentioned survey number. In the year 2023, the said Vajiram executed a Release Deed releasing his share in the said property in favour of the petitioner. Thus, the petitioner claims right over entire 1 acre and 89 cents in the above mentioned survey numbers.

3. Later, the petitioner gifted 94.5 cents of land on the eastern side of the survey number to the 6th respondent for the purpose of constructing a burial ground thereon. The remaining 94.5 cents of land on the western side was retained by the petitioner. It is the further case of the petitioner that the respondents 6 and 7 without properly earmarking 94.5 cents of land gifted



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to the 6th respondent, making an attempt to construct burial ground in the land retained by the petitioner. Therefore, he submitted a representation to the respondents 1, 4 and 5 requesting them to survey the property and earmark the land gifted to the 6th respondent. The said representation has not been consider till date. It is further stated by the petitioner that the respondents 6 and 7 are making an attempt to put up burial ground in the property retained by him, therefore, he has come by way of this writ petition.

4. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents 1 to 3 and 5 and Mr.T.Arunkumar, learned Additional Government Pleader takes notice for the respondents 4, 6 and 7.

5. The learned Additional Government Pleader appearing for the respondents 4, 6 and 7, on written instructions from the 6th respondent, would submit that the respondents 6 and 7 are not making any disturbances or construction in 94.5 cents of property on the western side retained by the petitioner. The said statement made by the learned Additional Government Pleader appearing for the respondents 4, 6 and 7 is recorded.



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6. In view of the grievance expressed by the petitioner the respondents 6 and 7 are making attempt to put up burial ground in the portion of the property retained by him without properly locating the land gifted to the 6th respondent, the petitioner is directed to submit online application seeking survey of the land in question within a period of two weeks from the date of receipt of a copy of this order and also pay necessary charges for survey. The 5th respondent is directed to consider the online application of the petitioner seeking survey of the above mentioned land and pass final orders, within a further period of four weeks from the date of receipt of online application.

7. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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