



W.P.No.15 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.15 of 2024

and

W.M.P.No.10 of 2024

S.Govindan

... Petitioner

versus

1.The District Collector,
Kallakurichi District,
Kallakurichi – 600 028.

2.The Revenue Divisional Officer,
Thirukovilur,
Kallakurichi District.

3.The Tahsildar,
Taluk Office,
Chennai Main Road,
Ulundurpet Taluk,
Kallakurichi District.



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4.S.Govindaraj

5.S.Rajendran

..... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings dated 23.08.2023 passed by the Tahsildar, the third respondent herein and quash the same and consequently direct the third respondent herein to have the lands comprised in S.Nos.245/5B1 and 245/5B2A duly surveyed as per the boundaries given in the Partition Deed dated 15.05.2023 and issue correct sub-division sketch.

For Petitioner : Mr.T.R.Sathiyamohan

For Respondents : Mr.A.Selvendran
Special Government Pleader for R1 to R3

Mr.S.J.Raja Janakiraman
for R4 and R5

ORDER

This writ petition has been filed seeking to quash the proceedings dated 23.08.2023 passed by the Tahsildar/third respondent herein and



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consequently direct the third respondent to survey the lands comprised in S.Nos.245/5B1 and 245/5B2A, as per the boundaries given in the Partition Deed dated 15.05.2023 and issue correct sub-division sketch.

2. The case of the petitioner is that the boundaries specified in the partition deed and survey sketch issued by the Survey and Settlement Department, Government of Tamil Nadu dated 01.06.2023 are not tallied, and therefore, the petitioner gave a representation to the second respondent on 03.07.2023, seeking to rectify the mistakes occurred in the survey sketch dated 01.06.2023. While so, the second respondent, vide letter dated 13.07.2023 directed the third respondent to conduct field inspection and submit a report. Pursuant to the said direction, the surveyor visited the subject properties. However, in view of the objections raised by respondents 4 and 5, the third respondent passed the impugned order stating that as the respondents 4 and 5 made objections to inspect and survey the field and



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there was a possibility of law and order situation, directed the parties to approach the civil Court for appropriate remedy.

3. Heard both sides and perused the materials available on record.

4. It is seen from the records that that the petitioner has made an application before the official respondents for rectifying the mistakes, and therefore, the official respondents while conducting survey and field inspection, the private respondents herein caused disturbance to them and hence, the third respondent passed the impugned order.

5. If any application is received from the parties, it is for the official respondents to conduct enquiry, and if there is any dispute regarding title, the official respondents may direct the parties to approach the civil Court. If the application is otherwise in order they should proceed with that, and if



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some body prevents them to discharge their duties, they can file a complaint before the police authority and with adequate police protection, they should complete their work. However, without doing so, they cannot ask the parties to go to the Civil Court citing the law and order situation. In the present case the impugned order does not show that the private respondents produced documents to prove their title and the official respondents are not in a position to find out as to whether the petitioner is the owner of the property or not. Since there was no title dispute, the impugned order passed by the third respondent is liable to be set aside and accordingly, set aside.

6.The third respondent is directed to consider the representation/application of the petitioner and pass appropriate orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioner, respondents 4 and 5 herein as well as interested parties/rival claimants if any, as the case may be, within a period of four months from the



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date of receipt of a copy of this order. After enquiry, if the official respondents finds that there is a title dispute they can advise the parties to approach the civil Court or otherwise if the application is otherwise in order, the respondents shall proceed with the application.

7. With the above direction, the writ petition is disposed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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