

Date of filing: 06.12.2023  
Date of order: 27.02.2024

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION,  
AT VELLORE**

**PRESENT: THIRU. A. MEENAKSHI SUNDARAM, B.A., B.L.      PRESIDENT  
                 THIRU. R. ASGHAR KHAN, B.Sc., B.L.              MEMBER – I**

**TUESDAY THE 27<sup>th</sup> DAY OF FEBRUARY 2024**  
**CONSUMER COMPLAINT NO.110/2023**

K. Sigamani  
S/o. Late. Kuppusamy Gounder  
Residing at Sathiyamangalam Village,  
Kollaimedu,  
Anaicut,  
Vellore District – 632 114.

...Complainant

-Vs-

1. The Thasildar,  
Taluk Office, Anaicut Taluk,  
Vellore District – 632 101.

2. The District Collector,  
Collector Office,  
Sathuvachari,  
Vellore – 632 009.

...Opposite parties

Counsel for complainant        : Thiru. K.M. Boopathi  
Opposite parties – 1 and 2     : Set exparte on 29.01.2024

**ORDER**

**THIRU. A. MEENAKSHI SUNDARAM, B.A., B.L. PRESIDENT**

This complaint has been filed U/s 35 of Consumer Protection Act 2019. The complainant has prayed this Hon'ble Commission to direct the opposite parties to measure the suit schedule mentioned proper and to pay a sum of Rs.3,00,000/- for compensation, causing pain, loss and for mental agony and also to pay the cost of the complaint.

**1. The case of the complaint is briefly as follows:**

The complainant submits that he and his deceased brother namely K. Krishnamoorthy comprised in S.No.205/5B, 206/2B, 206/2D, 206/4 is the owner of property and they are in possession and enjoyment of the same. The complainant

along with the legal heirs of the late. K. Krishnamoorthy have been in possession and enjoyment of the property. The complainant approached the 1<sup>st</sup> opposite party for measuring the property he also paid challans to measure the properties for nearly three times, but there is no proper response from the opposite party. Finally the complainant paid challan on 12.05.2022 to measure the property and the complainant to filing the challan and the same be read as part and parcel of this complaint. The complainant approached the 1<sup>st</sup> opposite party in person on many occasions, but there was no proper response. The complainant has also sent a legal notice dated 06.10.2023 which was received by both of the opposite parties but they have not replied anything till now. All these act of the opposite parties amounts to deficiency of service. The complainant is also put up to lot of mental agony due to deficiency of service. Therefore, the complainant filed this complaint.

2. On receipt of this complaint, this Hon'ble Commission issued notice to the opposite parties-1&2. Opposite parties received notice. Sufficient opportunity already given for filing written version. But no representation, opposite parties called absent set exparte.

3. Proof affidavit of complainant filed. Ex.A1 to Ex.A6 were marked. Written argument of complainant filed. Oral argument heard.

**4. The Points that arises for consideration are:**

1. Whether there is any deficiency in service on the part of the opposite parties ?
2. Whether the complainant is entitled for relief as claimed in the complaint?
3. To what relief, the complainant is entitled to?

**5. POINT NOS. 1 &2:** The complainant and his deceased brother namely K. Krishnamoorthy are joint owner of properties in survey Nos. is 205/5B, 206/2B, 206/2D, 206/4. His brother died and the complainant is enjoying the aforesaid

properties along with his legal heirs of the said K. Krishnamoorthy. That being so, the complainant had approached the first opposite party for measuring the property. For which she has also paid necessary fees and the challan are hereby marked as Ex.A2, Ex.A4 and Ex.A5. But the opposite party did not measure the property. Therefore, the complainant run pillar to post with opposite parties 1 and 2. As there was no response the complainant had written representation with the first opposite party. Despite the representation as there was no action by the first opposite party as well. Then the complainant issued notice to the first and second opposite parties both of them received legal notice. But there was no response. Therefore, the complainant had approached the Hon'ble Commission by way of this complaint.

This Commission after receipt of the complaint issued legal notice to the opposite parties. Though both opposite parties received the notice, but there was no representation for opposite parties, we have given reasonable opportunity to the opposite parties. But the opposite parties did not file their written version. Therefore, they called absent and set exparte. Hence, these Point Nos. 1 and 2 are decided in favour of the complainant.

On perusal of the Ex.A2, Ex.A4 and Ex.A5. For which she has also paid necessary fees and the challan are hereby marked. But the opposite parties did not measure the property. Further, the lethargic attitude of the opposite parties, therefore, we find that there is a dereliction of the duty on the part of the opposite parties. They also did not bother about the fates of the citizen like complainant they are also held responsible for inaction. In the present case, the opposite parties measure, the complainant's property. Therefore, the act of the opposite parties amounts to deficiency in service. Accordingly this complaint is allowed. Hence, these Point Nos.1 and 2 are decided in favour of the complainant.

**6. POINT NO.3:** As we have decided in Point Nos.1 and 2 that there is a deficiency in service on the part of the opposite parties. The opposite parties 1 and 2 are jointly or severally directed to measure the complainant's property and opposite parties 1 and 2 are jointly or severally directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as compensation for deficiency in service and mental agony and also to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) towards cost to the complainant. Hence, this Point No.3 is also answered accordingly.

**In the result this complaint is partly allowed. The opposite parties 1 and 2 are jointly or severally directed to measure the complainant's property and opposite parties 1 and 2 are jointly or severally directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as compensation for deficiency in service and mental agony and also to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) towards cost to the complainant, within one month from the date of receipt of this order, failing which the above amounts shall carry interest at the rate of 9% per annum from the date of this order to till the date of realization.**

Dictated to the steno-typist transcribed and typed by her corrected and pronounced by us in the open Commission on this the 27<sup>th</sup> day of February 2024.

Sd/-  
**MEMBER-I**

Sd/-  
**PRESIDENT**

**LIST OF COMPLAINANT SIDE DOCUMENTS:**

<b>SL.No.</b>	<b>Date</b>	<b>Particulars</b>
Ex.A1		- Online Chitta copy
Ex.A2		- Xerox copy of the Challan

- Ex.A3 - Xerox copy of the legal notice along with served acknowledgement card
- Ex.A4 05.07.2019 – Xerox copy of the first time challan
- Ex.A5 23.03.2021 – Xerox copy of 2<sup>nd</sup> time challan
- Ex.A6 05.07.2019  
and 16.03.2021 - Xerox of letter given to Tashildar

**LIST OF OPPOSITE PARTIES SIDE DOCUMENTS: -NIL-**

**Sd/-  
MEMBER – I**

**Sd/-  
PRESIDENT**

