

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.11048 of 2015

S.Kasthuribai

... Petitioner

vs

1. The Tahsildar
Mayiladuthurai
Mayiladuthurai Taluk
Nagapattinam District

2. The Sub Inspector of Survey
Taluk Office
Mayiladuthurai Taluk
Mayiladuthurai
Nagapattinam District

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to furnish the petitioner a copy of the decision (Survey Report) dated 11.12.2014, submitted by the second respondent in respect of the land and building bearing Survey No.312/11, 296/3 and 301/2 situate at No.41, Mozhaiyur Village, Mayiladuthurai Taluk, Nagapattinam District as contemplated under Section 10(2) of the Tamil Nadu Survey and Boundaries Act, 1923.

For Petitioner : Mr.M.Venkadeshan

For Respondents : Mr.V.Subbiah

Special Government Pleader

for RR1 & 2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that the land and building in Survey Nos.312/11, admeasuring to an extent of 9 cents, and 296/3, patta No.595, admeasuring to an extent of 0.07.5 acres situate in No.41, Mozhaiyur Village, Mayiladuthurai Taluk, Nagapattinam District, originally belonged to his father and after his demise, his legal representatives including the petitioner, had succeeded to the estate and even while his father was alive, representations were made to the authorities to survey and determine the boundary in respect of the

above said properties, and a legal notice dated 7.11.2014, was also sent to them and thereafter, the second respondent has surveyed the land and the first respondent vide communication dated 9.2.2015, has informed that the second respondent has submitted his report and directed the parties to approach the Court for appropriate relief.

3.The grievance expressed by the petitioner, is that only if the survey report of the second respondent is furnished, they may be in a position to approach the Court and in this regard, the petitioner sent a representation dated 13.2.2015, and since the same has not been responded, came forward to file this writ petition.

4.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.V.Subbiah, learned Special Government Pleader, who accepted notice for the respondents.

5.Though the petitioner has prayed for a larger relief, this Court, in the facts and circumstances, is of the view that it would suffice to direct the first respondent to consider and dispose of the petitioner's representation dated 13.2.2015, in accordance with law, within a stipulated time.

6.In the result, the writ petition is disposed of and the first respondent is directed to consider the representation dated 13.2.2015, submitted by the petitioner, on merits and in accordance with law, after giving an opportunity of personal hearing to the petitioner, and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Tahsildar,
Mayiladuthurai,
Mayiladuthurai Taluk, Nagapattinam District.
2. The Sub Inspector of Survey,
Taluk Office,
Mayiladuthurai Taluk,
Mayiladuthurai, Nagapattinam District.

+lcc to Mr.M.Venkadeshnan, Advocate, S.R.No.21117

+lcc to the Government Pleader, S.R.No.21113

W.P.No.11048 of 2015

UG(CO)

CA(23/04/2015)