

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21386 of 2015

T.Murugesan

... Petitioner

Versus

1 The Tahsildar
Vellore Taluk Vellore District.

2 The Head Surveyor
Taluk Office Vellore Taluk Vellore
District.

3 T.Subramaniam ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing to the respondent 1 and 2 to Measure and Survey the following property mentioned in Schedule. A Schedule: Vellore District Vellore Taluk Thellur Palayam Village tiled house and vacant site measuring East to West 20 feet North to South 90 Feet described as A.H.G.F. in which measuring East to West 17 Feet North to South 45 feet tiled house A.B.C.D vacant site G.C.D.E.F. measuring East to West 20 feet North to South 45 feet lane B.C.G.H. measuring East to West 3 feet North to South 45 feet as shown in the plaint plan annexed bounded by house of Perumal Reddy on the North Rajaveedi on the South house of Pichandi Pandither on the West House of Kanniappa on the East. B Schedule:- Tiled house measuring East to West 17 Feet. North to south 15 feet. A.B.I.J., 2. Vacant site measuring East to west 20 feet. North to south 15 feet, described as L.K.E.F., 3. Common passage B.O.G.H.", measuring East to west 3 feet. North to south 45 feet. "C" Schedule:- Thellur village S.No.348 / part 0.07.0, Extent, 0.05.0 Extent 0.11.0 Extent 0.14.5 kist. "D" Schedule : - Ariyur Village S.No.101/1 Extent 0.11.5, S.No.101/2 Extent, Extent 0.15.0, S.No.102/3, Extent 0.10.0, S.No.102/4, Extent 0.10.0.in as per Final decree passed in O.S.558/2001 dated 22.09.2010, on the file of District Munsif, Vellore.

For Petitioner : Mr.R.Margabandhu

For Respondents : Mr.R.Govindasamy (for R1 & R2)
Additional Government Pleader

O R D E R

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

2. The petitioner would state that he instituted the suit in O.S.No.558 of 2001 for partition and separate possession and it was decreed and thereafter, he filed I.A.No.1502/2005 to pass a final decree and it was also passed on 22.09.2010 and possession of property allotted in favour of the petitioner was also delivered to him. The petitioner thereafter, has approached the 1st respondent praying for measurement of land by paying the prescribed fees on 26.12.2014 and since, it was objected to by the 3rd respondent, the 1st respondent did not take any action and hence, came forward to file this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 and 2.

4. Though, the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, permits the petitioner to submit a reminder to respondents 1 and 2 with regard to the measurement of land within a period of two weeks from the date of receipt of a copy of this order and the 1st respondent on receipt of the same, is directed to consider the said reminder in accordance with law and after putting the 3rd respondent on notice, shall pass orders within a period of four weeks thereafter, and communicate the decision taken, to the petitioner as well as to the 3rd respondent.

5. The writ petition is disposed of, accordingly. No Costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1 The Tahsildar
Vellore Taluk Vellore District.

2 The Head Surveyor
Taluk Office Vellore Taluk
Vellore District.

+1cc to Mr.R.Margabandhu, Advocate sr.no.36352

+1cc to Government pleader sr.no.36674

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