

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.22795 of 2015

R.Muniyandi @ Chandran

.. Petitioner

vs

1.The Tahsildar
Madhavaram Taluk
Madhavaram
Chennai 600 060

2.The Special Tahsildar (Town Survey)
Madhavaram Taluk
Madhavaram
Chennai 600 060

3.Gunabhushanam

4.Sathiyavathi

5.Dhanamani

6.Manoranjitham

7.Annakili

8.V.Vijay

9.K.Govindaraj

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to measure and earmark the petitioner's land comprised in S.No.612 (T.S.No.50/1 & 2 Block C1) of an extent of 53 cents situated in Madhavaram Village, Madhavaram Taluk, Tiruvellore District through petitioner's application dated 25.5.2011.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondent : Mr.S.Pattabiraman
Government Advocate
for RR1 & 2

ORDER

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

2.The petitioner would state that one Bangarusamy Reddiar was the owner of the land admeasuring to an extent of 53 cents in Survey No.612, sitauted at Madhavaram Taluk and Village, Thiruvellore District, and after his demise, his legal heirs had succeeded to the said estate and approached the petitioner and his friend one Ponnambalam for developing the property and also

executed a joint power of attorney in their favour vide registered Document No.534/1999 dated 31.3.1999, on the file of the Office of the Sub-Registrar, Sembium.

3.The petitioner would further state that based on the said power of attorney, he and Ponnambalam had executed a sale deed in favour of one Lakshmiammal, who is none other than the petitioner's mother, and the same was registered as Document No.1766/2011, on the file of the very same Sub-Registrar and subsequently, he made an application to the first respondent to survey the boundary of the property.

4.The petitioner would state that his mother has also settled the said property in his favour vide registered settlement deed bearing Document No.5768/2013, on the file of the Office of the Sub-Registrar, Madhavaram, and the first respondent has also issued patta bearing No.4651 dated 17.7.2015, in his favour.

5.The grievance expressed by the petitioner, is that the respondents 3 to 9 started claiming as if they are the owners of the property in Survey No.604/2, which is situated on the eastern side of his property, and they are also further attempting to claim the petitioner's property as their own property and the petitioner, in this regard, has submitted an application dated 25.5.2011, praying for measurement along with the prescribed fee, and it was also followed by a reminder dated 21.12.2012, and thereafter, nothing had happened and hence, he came forward to file this writ petition.

6.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.S.Pattabiraman, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 2.

7.Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more reminder to the second respondent by enclosing a copy of this order as well as copies of his earlier application dated 25.5.2011, and the reminder dated 21.12.2012, within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider it in accordance with law, after putting on notice, the respondents 3 to 9 and pass orders within a period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the private respondents. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

To:

1.The Tahsildar
Madhavaram Taluk
Madhavaram
Chennai 600 060

2.The Special Tahsildar (Town Survey)
Madhavaram Taluk
Madhavaram
Chennai 600 060

1 cc to Government Pleader, Sr. 38709

1 cc to Mr.S.P. Sudalaiyandi, Advocate, sr. 38644

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