

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.2753/2015

S.Neelakandan

...Petitioner

Versus

1.The Tahsildar
Polur Taluk, Thiruvannamalai
District.

2.Adimula Konar

...Respondent

***R2 impleaded as per the order of this
court in MP.No.1/2015 dated 19.02.2015

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to survey the petitioner land survey No.309/3 and 309/5 to an extent of 34 ½ cents situate at Eandal Village, Polur Taluk, Thiruvannamalai District and fix the boundaries thereof in pursuance of the petitioners application dated 26.06.2014 within the time to be fixed by this Court.

For Petitioner : Mr.Ashok Pathy

For R1 : Mr.S.Gunasekaran, GA

ORDER

Heard Mr.Ashok Pathy, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondent and perused the materials available on record. Since the writ petition is disposed of without notice to the impleaded

respondent/2nd respondent herein, the merits of the allegations made by the petitioner as against the 2nd respondent are not gone into and it is left open to the official respondent to take note of the same.

2.The petitioner seeks for issuance of a writ of mandamus to direct the 1st respondent to survey the petitioner land survey No.309/3 and 309/5 to an extent of 34 ½ cents situate at Eandal Village, Polur Taluk, Thiruvannamalai District and fix the boundaries thereof in pursuance of the petitioners application dated 26.06.2014 within the time to be fixed by this Court.

3.The case of the petitioner is that he is the absolute owner of the land in question and the 2nd respondent herein has filed a suit before the District Munsif Court, Polur in respect of the said property and that the said suit was decided in favour of the petitioner, as against which the appeal filed before the Sub Court, Arni, in AS.No.21/2014 and no interim order was granted in the said suit. It is the further case of the petitioner that he had submitted an application on 26.06.2014 to the Tahsildar to measure the land in question and to fix the boundaries. He has paid the necessary fees vide Challan dated 26.06.2014. The Tahsildar, vide his letter dated 15.09.2014, has sought for the legal opinion from the learned Government Pleader, who had also expressed his opinion that there is no objection to measure the said land. Despite the opinion obtained from the Government Pleader, no further steps have been taken and hence, the petitioner, once again filed an application dated 08.01.2015 before the Public Information Officer, Polur Taluk Office, Tiruvannamalai District, seeking information about the inaction on the part of the 1st respondent despite the legal opinion received from the Government Pleader. Since the said application filed before the Public Information Officer, also did not evoke any response, the petitioner is before this Court.

4.In the light of the above facts, without going into the merits of the petitioner's contentions, there will be a direction to the 1st respondent to dispose of the petitioner's representation dated 26.06.2014 on merits and in accordance with law after issuing notice to the petitioner as well as to the 2nd respondent and after hearing them in person and also taking note of the opinion given by the Government Pleader, within a period of three months from the date of receipt of a copy of this order.

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5.The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

AP

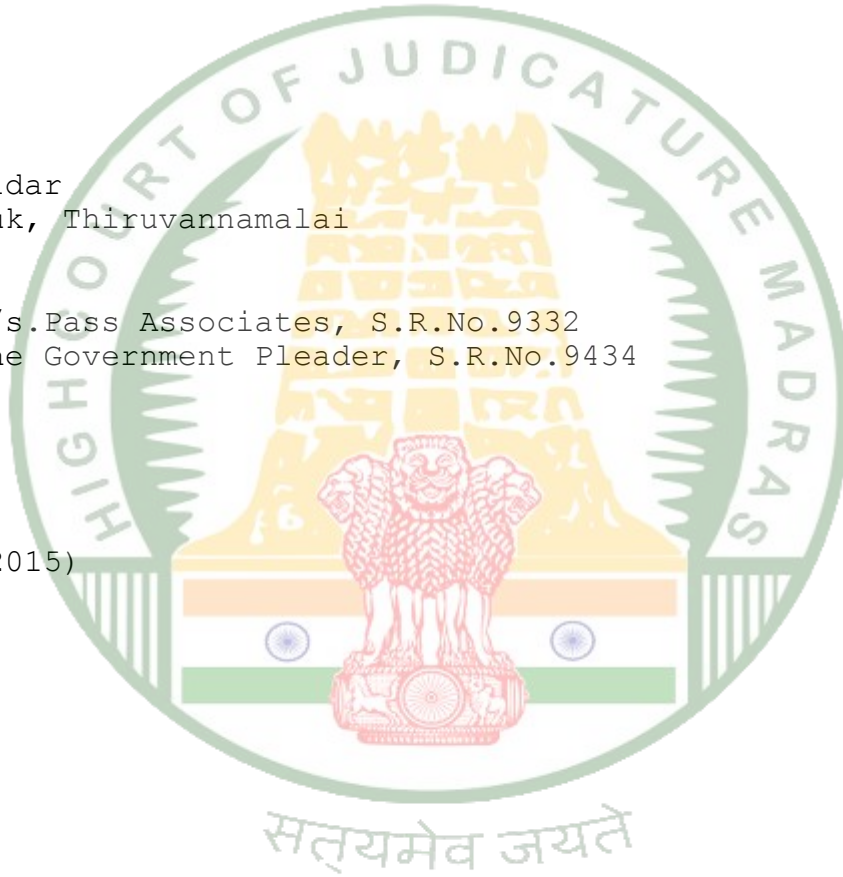
To

The Tahsildar
Polur Taluk, Thiruvannamalai
District.

+1cc to M/s.Pass Associates, S.R.No.9332
+1cc to the Government Pleader, S.R.No.9434

NM(CO)
CA(27/02/2015)

WP.No.2753/2015



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