IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.38895 of 2015

M.Sethupathy .. Petitioner

Vs.

1 The Tahsildar
Tiruchengode Taluk Tiruchengode Namakkal
District

2 The Inspector of Police
Pallipalayam Police Station Pallipalayam
Namakkal District .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to take measurement through Taluk Surveyor by providing Police Protection to the Surveyor when he taking measurement in the petitioner house site situated in S.No. 594/12 Elanthaikuttai Village Tiruchengode Taluk Namakkal District by disposing the petitioner written representation dated 09.10.2015.

For Petitioner .. Mr.C.Prakasam
For Respondents .. Mrs.P.Rajalakshmi

ORDER

On 09.10.2015, the petitioner made a representation to respondent No.1 stating that he is the owner of the house site situated in S.No.594/12, Elanthaikuttai Village, Tiruchengode Taluk, Namakkal District. However, there was objection from the neighbour when the petitioner attempted to put up construction. Hence, the petitioner made representation dated 09.10.2015 to respondent No.1 seeking to measure the property. As the same was not considered, the present writ petition has been filed.

2. The prayer sought for as such cannot be granted by this Court that too without impleading the person, who is stated to be obstructing the construction of the petitioner.

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3. Taking into consideration of the pendency of the representation of the petitioner dated 09.10.2015, without going into the merits of the case, a direction is issued to respondent No.1 to consider the same and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order after affording an opportunity of hearing to the petitioner and the person, who is stated to be objecting the proposed construction.

The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The Tahsildar
Tiruchengode Taluk Tiruchengode Namakkal
District

2 The Inspector of Police
Pallipalayam Police Station Pallipalayam
Namakkal District

+1 cc to Mr.C.Prakasam Advocate sr.66820
+1 cc to Government Pleader sr.66593

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