

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6373/2015

K.S.Mohanasundaram

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Petitioner

Versus

1.The Thasildar,
Perundurai Taluk,
Erode District.

2.Kuppusamy

3.Ponnusamy

..

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified mandamus calling for the records relating to the impugned order dated 02.07.2014 made in O.Mu.Ae.A340/2014/S2 on the file of the 1st respondent, quash the same and consequently direct the 1st respondent to measure and demarcate petitioner's property situate in S.F.No.882/1B and 882/2B2 Vadamugam Village, Perundurai Taluk as per the documents and revenue records.

For Petitioner : Mr.R.Prabakar

For R1 : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

Heard Mr.R.Prabakar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, Special Government Pleader accepting notice on behalf of the 1st respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage itself without notice to the respondents 2 and 3, the merits of the allegations made by the petitioner as against the respondents 2 and 3 are not gone into and the same is left open to be considered by the competent authority.

3.The petitioner seeks to quash the order passed by the 1st respondent dated 02.07.2014 and to direct the 1st respondent to measure and demarcate the property in question as per the documents and revenue records.

4.The petitioner is aggrieved by the order passed by the 1st respondent dated 02.07.2014, rejecting the application for measuring the property by conducting the survey. The respondent has rejected the application by stating that there are certain problems. The impugned order does not state as to what is the nature of the problem, whether any civil or criminal cases are pending.

5.Learned counsel for the petitioner would state that there is no criminal case or civil case pending between the petitioner and the respondents 2 and 3 and mechanically, the application was rejected without any authority or justification.

6.In the light of the above, the impugned order of the 1st respondent dated 02.07.2014 is hereby set aside and the matter is remanded back to the 1st respondent. The 1st respondent is directed to consider the petitioner's application after issuing notice to the petitioner as well as to the respondents 2 and 3, enquire into the matter and thereafter, pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar
Dated:12.3.15

True Copy

Sub Assistant Registrar

To

The Thasildar,
Perundurai Taluk,
Erode District.

+1 cc to Government Pleader, SR.13252

+1 cc to Mr.R.Prabakar, Advocate, SR.13169.

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