



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAHW.P.(MD)No.13703 of 2015

Puspham

... Petitioner

Vs.

1. The District Collector,
Pudukottai District,
Pudukottai.

2. The Tahsildar,
Kulathur Taluk,
Pudukottai District.

3. The Inspector of Police,
Mathur Police Station,
Kulathur Taluk,
Pudukottai District.

... Respondents

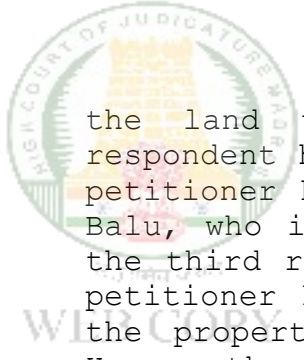
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to measure the petitioner's land bearing Survey No.51/2B an extent of 0.11.5 Ares (28 cents) in Kumaramangalam Revenue Village, Kulathur Taluk, Pudukottai District with the aid of the third respondent.

For Petitioner : Mr.D.Parisuthanathan
For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

This Writ Petition is filed for a Mandamus directing the second respondent to measure the petitioner's land bearing Survey No.51/2B to an extent of 0.11.5 ares (28 cents) in Kumaramangalam Revenue Village, Kulathur Taluk, Pudukottai District with the aid of the third respondent.

2. In the affidavit, it has been averred that the petitioner and his sister Thangaponnu were inherited a piece of nanja land bearing Survey No.51/2B to an extent of 0.11.5 ares (28 cents) in Kumaramangalam Revenue Village, Kulathur Taluk, Pudukottai District. In the year 2008, one Mayandi, S/o. Kandasamy Reddy attempted to interfere with her peaceful possession and enjoyment of the same. In this regard, the petitioner filed a suit in O.S.No.99 of 2008 before the District Munsif-cum-Judicial Magistrate, Keeranoor, Pudukottai District. The said suit was decreed in favour of the petitioner on 25.06.2012 and the appeal filed by the said Mayandi was dismissed on 27.09.2013. Thereafter, the petitioner wanted to fence around the above said survey number. Hence, she wanted to measure and demark the land and she applied for measuring



the land to the second respondent on 09.12.2014. But the second respondent has not considered this petition. While so, on 27.01.2015, the petitioner has given a complaint before the third respondent against one Balu, who is the third party for disturbing possession of her land. But the third respondent has not taken any action. Hence, on 18.02.2015, the petitioner has preferred a petition to the second respondent to measure the property. But the second respondent has not considered the same. Hence, the present writ petition has been filed for a direction to the second respondent to measure the petitioner's land.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that one Balu, who is the third party disturbing the petitioner's possession. Hence, the petitioner has submitted her representation on 18.02.2015 to the second respondent to measure the land. But the same has not been considered so far.

4. Considering the submissions made by the learned counsel for the petitioner, this Court, dispose of the writ petition at the admission stage itself. Accordingly, this Court is constrained to pass the following order:

The second respondent is directed to consider the representation of the petitioner dated 18.02.2015, after giving opportunities to the petitioner as well as the above said Balu and other necessary parties and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is also directed to give the correct address of the said Balu to the second respondent to issue notice.

With the aforesaid direction, the Writ Petition stands disposed of. No costs.

akv

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar.

To

1. The District Collector, Pudukottai District, Pudukottai.
2. The Tahsildar, Kulathur Taluk, Pudukottai District.
3. The Inspector of Police, Mathur Police Station, Kulathur Taluk, Pudukottai District.

1CC to Mr. Pariduthanathan, Advocate, SR.No.43459

1CC to The Special Government Pleader, SR.No.43990.

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03.08.2015

2P/1C

AM/20.08.2015.