



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.10.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.18107 of 2015

A.Karuppiah

...Petitioner

Vs.

1. The Tahsildar,
Marungapuri Taluk,
Trichy District.

2. The Taluk Surveyor,
Marungapuri Taluk,
Trichy District.

... Respondents

Prayer:

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the petitioner's application, dated 10.03.2015 to survey the petitioner's property of house site in survey No.514/5 situated at Kovilpatty, Thottipatti Village, Marungapuri Taluk, Trichy District.

For petitioner : Mr.A.Vadivel
For Respondents : Mr.M.Murugan,
Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to consider the petitioner's application, dated 10.03.2015 to survey the petitioner's property of house site in survey No.514/5 situated at Kovilpatty, Thottipatti Village, Marungapuri Taluk, Trichy District.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the petitioner had purchased a house site property measuring to an extent of 1644 s. 50 ft. in Survey No.514/5 situated at Kovilpatty, Thottipatti Village, Marungapuri Taluk, Trichy District from one Sadhasivam by virtue of a sale deed, dated 18.07.2002 vide

document

No.1.330.105.763/1996. The petitioner had constructed a concrete building in the above said survey number and he has been paying the house tax and thereafter, he wanted to build a compound wall in the said property. Hence, he had approached the respondents to survey his property and he has also paid the necessary fees for the same, vide receipt dated 10.03.2015. But the respondents did not take any steps to measure the property. Thereafter, the petitioner had approached the respondents on several occasions. But there was no action on the part of the respondents. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, this Court is constrained to pass the following order:

Without going into the merits of the averments made in the Writ Petition, the second respondent is directed to consider the representation of the petitioner, dated 10.03.2015 and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, with regard to measurement of the property, which belongs to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the second respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Marungapuri Taluk, Trichy District.
2. The Taluk Surveyor,
Marungapuri Taluk, Trichy District.

+ 1 CC TO MR.A.VADIVEL, ADVOCATE IN SR NO. 59043

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 59337