



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.18101 of 2015

Pitchammal

...Petitioner

Vs.

1.The District Collector,
Tirunelveli District.2.The Tahsildar,
Nanguneri,
Tirunelveli District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to consider the petitioner's representation, dated 29.06.2015 and direct the second respondent to survey the petitioner's land in Survey No.366/1 New Survey No.1420/3 situated at Nanguneri Village & Taluk, Tirunelveli District.

For petitioner : Mr.P.Balan

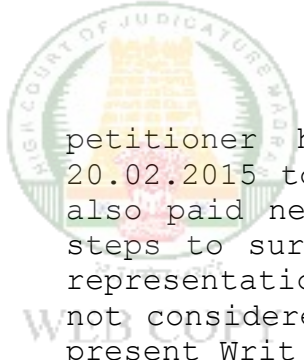
For Respondents : Mr.M.Murugan,
Government Advocate**ORDER**

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to consider the petitioner's representation, dated 29.06.2015 and direct the second respondent to survey the petitioner's land in Survey No.366/1 New Survey No.1420/3 situated at Nanguneri Village & Taluk, Tirunelveli 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 is owning a house property in Survey No.366/1(New Survey No.1420/3) situated at Nanguneri, Tirunelveli District and her neighbour picked up quarrel with her regarding construction of compound wall. Hence, the petitioner had filed a suit in O.S.No.136 of 2001 before the District Munsif Court, Nanguneri and the same was dismissed and thereafter, the petitioner had preferred an appeal before the Subordinate Court, Valliyoor in A.S.No.58 of 2007 and in which decree was passed in favour of the petitioner. As against the same, the neighbour of the petitioner did not prefer any appeal before this Court. Thereafter, the



petitioner has made a representation to the second respondent on 20.02.2015 to survey her land in the above said survey number and she has also paid necessary fee for the same. But the second did not take any steps to survey the land and hence, once again the petitioner has made a representation to the first respondent on 29.06.2015. But the same was not considered so far and 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 petitioner is directed to give a copy of the representation, dated 29.06.2015, to the second respondent along with a copy of this order, along with all the necessary particulars about her neighbours, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law by affording an opportunity of hearing to the neighbour of the petitioner as well as all the necessary parties, with regard to measurement of the property, which belongs to the petitioner, within a period of four weeks thereafter. 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

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Nanguneri,
Tirunelveli District.

+1cc to M/S. P.Balan, Advocate in SR.No. 59283

+1cc to Special Government Pleader in SR.No.59338.

rg/15.10.2015/2P - 5C NGM-SS/SAR -II

W.P(MD).No.18101 of 2015

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