



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.19141 of 2015

WEB COPY

K.Pitchaimuthu

...Petitioner

Vs.

1.The District Collector,
Pudukkottai,2.The Tahsildar,
Kulathur Taluk,
Pudukkottai District.

...Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the second respondent to measure the petitioner's property comprised in S.F.No.851/32, 851/20 and 851/31 house site in Mandaiyur Village, Kulathur Taluk, Pudukkottai District, within the reasonable time stipulated by this court.

For petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.M.Murugan
Govt. Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the second respondent to measure the petitioner's property comprised in S.F.No.851/32, 851/20 and 851/32 house site in Mandaiyur Village, Kulathur Taluk, Pudukkottai District.

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

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

4. In the affidavit filed in support of the Writ Petition, it has been averred that the petitioner had constructed a house in his land situated in S.F.No.851/32, 851/20 and 851/31 in Mandaiyur Village, Kulathur Taluk, Pudukkottai District. He is in possession and enjoyment of the said property. Patta is also granted in his favour. In order to put up a fencing, the petitioner paid the necessary fees of Rs.80/-, Rs.200/- and Rs.200/- at the office of the Sub-Treasury, Kulathur on 30.05.2014, 21.11.2014 and 27.03.2015 respectively and also submit an application to the second respondent for measuring the property. But the same was not considered. Again on 05.08.2015, the petitioner gave an another representation to the Chief Minister Cell, Tamil Nadu and the same was forwarded to the District Collector, Pudukkottai for necessary action. Since the same was not considered till date, the petitioner has come forward with this Writ petition for the above stated relief.

5. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the petitioner to give fresh representation to the respondents along with copy of this order, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider the same and pass appropriate orders on the same on merits and in accordance with law, with regard to measure the property comprised in

S.F.No.851/32, 851/20 and 851/31 in Mandaiyur Village, Kulathur Taluk, Pudukkottai District, within a period of four weeks thereafter by affording an opportunity of hearing to all the necessary parties. It is made clear that this Court is not expressing any opinion on the merits of the claim made by the petitioner.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Pudukkottai,

2.The Tahsildar, Kulathur Taluk,
Pudukkottai District.

+1cc to M/s.P.Ganapathy, Advocate in SR.No.62426

+1CC to the Special Government Pleader, in SR.No.62334

W.P (MD) .No.19141 of 2015

26.10.2015

am

PBK/NGM-SS 29/10/2015 ::2P-5C::