



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2015

CORAM:

THE HONOURABLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.21328 of 2015

Karuppasamy

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukkottai, Virudhunagar District.
- 3.The Tahsildar,
Kariyapatti Taluk, Virudhunagar District.
- 4.The Sub Inspector of Survey,
Kariyapatti Firka, Kariyapatti,
Virudhunagar District,

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey the land situate in Survey No.39/4A1A (Old Survey No.37/4A) at Kariyapatti Village, Virudhunagar District and demarcate the boundaries within the stipulated time.

For Petitioner : Mr.G.Marimuthu
For Respondents : Mr.M.Murugan, G.A.

O R D E R

The petitioner seeks for a direction to the respondents to survey the land situate in Survey No.39/4A1A (Old Survey No.37/4A) at Kariyapatti Village, Virudhunagar District and demarcate the boundaries.

2.The grievance of the petitioner is that even though he made a representation for the above said purpose as early as on 21.04.2015, the authorities have not considered the said request and surveyed the land so far.

3.Mr.Murugan, learned Government Advocate appearing for the respondents based on instruction submitted that the third party has made objection for surveying the land and therefore, the 3rd respondent is not in a position to complete the said request.



4. When the petitioner has made a request for surveying the land through his representation dated 21.04.2015, the competent authority namely, the 3rd respondent is to consider the same and pass orders on merits and in accordance with law also by considering any objection raised by other third parties. Without disposing the representation, the same cannot be kept pending by saying that some third parties are objecting for surveying the land.

5. Therefore, without expressing any view on the claim made by the petitioner, I only direct the 3rd respondent to consider the representation of the petitioner dated 21.04.2015 and pass orders on the same on merits and in accordance with law after giving due opportunity of hearing to the third parties, who are making objection for such survey. Such exercise shall be done by the 3rd respondent within a period of 8 weeks from the date of receipt of a copy of this order.

With the above direction this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Virudhunagar District.

2. The Revenue Divisional Officer,
Aruppukkottai, Virudhunagar District.

3. The Tahsildar,
Kariyapatti Taluk, Virudhunagar District.

4. The Sub Inspector of Survey,
Kariyapatti Firka, Kariyapatti, Virudhunagar District.

+One cc to M/s.G.Marimuthu, Advocate, SR.No.68746

+One cc to The Special Government Pleader, SR.No.68531

nbj

RL/7C/SKS/RR/16/12/2015

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