



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.07.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) .No.3627 of 2013

J.Rejikumar

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Tahsildar,
Vilanvancode Taluk,
Kanyakumari District.

3.The Land Surveyor,
Vilanvancode Taluk,
Kanyakumari District.

4.Kuttan

5.Panuvel

... Respondent

PRAYER:

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 2nd respondent in his proceedings No.E2/SFLA 45/12 dated 06.09.2012 and quash the same and consequently direct the 2nd respondent to measure and to survey petitioner's property situate in Anducode Village, Kanyakumari District to an extent of 1 acre 59 3/4 cents comprised in Survey Nos.2813-A , 16/4A and 3 ¼ cents comprised in Survey No.16/1.

For petitioner

: Mr.C.Muthu Saravanan

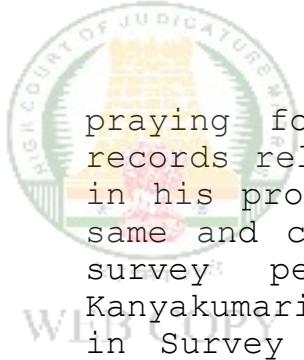
For R.1 to 3

: Mr.N.S.Karthikeyan
Additional Government Pleader

For R.4 and 5

: Mr.C.Arun Swaminathan

ORDER



praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 2nd respondent in his proceedings No.E2/SFLA 45/12 dated 06.09.2012 and quash the same and consequently direct the 2nd respondent to measure and to survey petitioner's property situate in Anducode Village, Kanyakumari District to an extent of 1 acre 59 3/4 cents comprised in Survey Nos.2813-A, 16/4A and 3 ¼ cents comprised in Survey No.16/1.

2. The learned counsel appearing for the petitioner would submit that though the petitioner has prayed for a larger relief, it would be suffice if the representation of the petitioner dated 31.08.2012 is disposed of, on merits and in accordance with law, within the time stipulated by this Court.

3. Upon notice, the learned Government Advocate appearing for the respondents 1 to 3 would submit that the representation will be considered in accordance with law.

4. The learned Counsel appearing for the respondents 4 to 6 was also put on notice.

5. A perusal of the typed set of papers would show that as early as 16.04.2012 itself, the petitioner has approached this Court by way Crl.O.P(MD).No.3869 of 2012 dated 16.04.2012 to survey the property in question with a qualified Surveyor, with police protection and obtained orders. However, still, the matter has been kept pending by the authorities. Therefore, in order to give quietus to this matter, without going into the merits of the claim made by the petitioner in this Writ Petition, the second and the third respondents are directed to survey and measure the petitioner's property, by considering the representation of the petitioner, dated 31.08.2012, on merits and in accordance with law, after giving notice to the petitioner, the private respondents herein as well as any of the interested parties, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is also directed to send a representation which has been already sent to the respondents in the year 2012, along with a copy of this order for passing necessary orders. While so, since the petitioner has already obtained an order through Crl.O.P(MD).No.3869 of 2012 dated 16.04.2012, the jurisdictional police is directed to give police protection at the time of surveying the land. It is made clear that the petitioner as well as the private respondents are directed to co-operate with the official respondents for surveying the land in question.



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

WEB COPY

Sd/-
Assistant Registrar((t&P)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
- 2.The Tahsildar,
Vilanvancode Taluk,
Kanyakumari District.
- 3.The Land Surveyor,
Vilanvancode Taluk,
Kanyakumari District.

+1 CC TO MR.R.M.ARUNSWAMINATHAN, ADVOCATE, SR NO:37849

+1 CC TO SPL.GOV.T.PLEADER, SR NO:38066

+1 CC TO MR.C.MUTHU SARAVANAN, ADVOCATE, SR NO:37586

Ssm

JAM:31.7.2015:3P-7C

W.P (MD) .No.3627 of 2013
09.07.2015