

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10732 of 2016

1.P.Perumal
2.P.Palanisamy

... Petitioners

Vs.

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

3.The Tahsildar,
Pennagaram Taluk,
Dharmapuri,
Dharmapuri District.

4.The Land Surveyor,
Errapatti Village,
Araganasanahalli Post,
Pennagaram Taluk,
Dharmapuri District.

5.V.Kasi

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the fourth respondent to measure the petitioners' land (Document Nos.2731/2011, 2711/2011 dated 21.07.2011, Sub Registrar Office, Pennagaram Taluk, Dharmapuri District) and consider the petitioners' representations to the respondents on 12.02.2016 and 09.03.2016.

For Petitioners : Mr.M.Senthamizh Selvan

For Respondents : Mr.R.A.S.Senthil Vel,
Addl.Govt.Pleader

ORDER

The petitioners have come up with the present writ petition for a mandamus, directing the fourth respondent to measure their lands, which were acquired through the gift deeds registered as Document Nos.2731/2011 dated 22.07.2011 and 2711/2011 dated 21.07.2011, on the file of the Sub Registrar Office, Pennagaram Taluk, Dharmapuri District, by considering their representations dated 12.02.2016 and 09.03.2016.

2. It is the case of the petitioners that their father and maternal grand father had executed two gift deeds registered as Document No.2731/2011 dated 22.07.2011 in favour of the first respondent and Document No.2711/2011 dated 21.07.2011 in favour of the second petitioner in respect of the properties at Aragasanahalli Village, Pennakaram Taluk, Dharmapuri District. From the date of execution of the gift deeds, the petitioners have been in possession and enjoyment of the said properties. While so, in February 2012, the fifth respondent, who is the adjacent land owner, had encroached the petitioners' lands and harassed the petitioners. To ascertain the actual extent, the petitioners approached the fourth respondent on 12.02.2016 and made a request to measure their lands. Since there was no response, they made another representation dated 09.03.2016 through registered post in this regard. However, till date, no action has been taken by the fourth respondent. Therefore, the petitioners have no other option except to approach this court with the present writ petition.

3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader, who took notice for respondents 1 to 4.

4. Considering the limited nature of the relief sought for herein, this Court permits the petitioners to make a fresh representation along with a copy of this order to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. On making of such representation, the fourth respondent is directed to consider the same, by affording an opportunity of personal hearing to the petitioners as well as to the fifth respondent and pass appropriate orders within a period of six weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioners and it is for the fourth respondent to pass appropriate orders purely on merits and in accordance with law.

5. The writ petition is disposed of accordingly. No costs.

rk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

3.The Tahsildar,
Pennagaram Taluk,
Dharmapuri,
Dharmapuri District.

4.The Land Surveyor,
Errapatti Village,
Araganasanahalli Post,
Pennagaram Taluk,
Dharmapuri District.

+ 1 cc to Mr.M.Senthamizh Selvan, Advocate Sr 18111

+ 1 cc to The Govt.Pleader, Sr 18345

KR/18/4/16

सत्यमेव जयते

W.P.No.10732 of 2016

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