

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No. 11384 of 2016

E.Raghu

... Petitioner

Vs.

The Thasildar,
Thirukhazhukundram Taluk
Thirukhazhukundram,
Kancheepuram District.

... Respondent

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 26.11.2015 with regard to survey and lay boundary stones by demarking in the petitioner's property within a stipulated time as fixed by this Court.

For Petitioner : Mr.D.Nandagopal

For respondent : Mr.V.S.Ramesh,
Government Advocate

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 26.11.2015 with regard to survey and lay boundary stones by demarking the petitioner's property comprised in Old S.No.139/126, New S.No.183/24 measuring to an extent of 4785 sq.ft. situated at No.76, Bazaar Street, Sathurangapattinam, Thirukazhukundram Taluk, Kancheepuram District.

3. The petitioner has inherited the property being house site comprised in Old S.No.139/126, New S.No.183/24 measuring to an extent of 4785 sq.ft. situated at No.76, Bazaar

Street, Sathurangapattinam, Thirukazhukundram Taluk, Kancheepuram District by way of the deed of partition, dated 29.04.2015, registered as Document No.2659 of 2015 in the office of SRO, Thirukazhukundram. Originally, the said ancestral property belonged to his father late Ethiraj Pillai. After partition, the other legal heirs have released their respective shares to the petitioner by receiving consideration. Since the above said property being a vacant land and not surrounded by compound or fencing, there is every possibility of committing act of trespass by third parties. In order to protect his property from the trespassers, the petitioner intend to put compound wall or fence. Therefore, it is just and necessary to survey and lay boundary stones by demarking his property. Hence, the petitioner made a representation on 26.11.2015 along with Challan to the respondent requesting to survey and lay boundary stones to his property. But, till date, no action has been taken on the said representation. Hence, he has come forward with the present writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. Considering the facts and circumstances, the petitioner is directed to give a fresh representation along with a copy of this order to the respondent within a period of two weeks, from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to consider the same and pass appropriate order, within a period of eight weeks thereon, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrp

To

The Tahsildar,
Thirukhazhukundram Taluk
Thirukhazhukundram,
Kancheepuram District.

+1cc to Mr.D.Nandagopal, Advocate, S.R.No.19653
+1cc to the Government Pleader, S.R.No.19400

W.P.No.11384 of 2016

VSN(CO)
CA(26/04/2016)



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