

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
W.P.No.12092 of 2016

Rathinasapabathy

... Petitioner

Vs.

The Tahsildar,
Madurantakam taluk,
Kancheepuram District.

.... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondent herein to dispose of the petitioner's representation dated 22.2.2016 seeking survey of the petitioner's property situated at Karunguzhi village, Madurantakam Taluk, Kancheepuram District bearing survey No.403/6C2 admeasuring to an extent of 3.5 acres comprised in patta no.1126, within the time frame to be stipulated by this Court.

For Petitioner : Mr.K.Thilagaraj

For respondent : Mrs.R.Rajalakshmi, GA

ORDER

This Writ Petition has been filed by the petitioner, for a mandamus, directing the respondent herein to dispose of his representation dated 22.02.2016 seeking survey of his property situated at Karunguzhi Village, Madurantakam Taluk, Kancheepuram District bearing survey No.403/6C2 admeasuring to an extent of 3.5 acres comprised in patta No.1126, within the time frame to be stipulated by this Court.

2. According to the petitioner, the property situated in Karunguzhi Village, Madurantakam Taluk, Kancheepuram District bearing survey no.403/6C2 admeasuring to an extent of 3.5 acres comprised in patta No.1126 belonged to his father, Kumar, who bought the same vide sale deed dated 13.09.1993 in Document No.1417 of 1993, on the file of SRO, Madurantakam and after his demise, the petitioner has inherited the same and he has been in possession and enjoyment of the same, without any interference. After his inheritance to the property, the petitioner got mutated

all the revenue records pertaining to the above said property in his name and also got patta bearing No.1126. Thereafter, he has made a written representation dated 22.02.2016 to the respondent, seeking survey of his property in order to fence the same. However, there was no response on the side of the respondent, which compelled the petitioner to come forward with the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate, who took notice for the respondent.

4. Considering the facts and circumstances of the case and as the representation made by the petitioner dated 22.02.2016 is still pending, the respondent is directed to consider the said representation dated 22.02.2016 by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders with regard to survey of the property situated at Karunguzhi Village, Madurantakam Taluk, Kancheepuram District bearing survey No.403/6C2 admeasuring to an extent of 3.5 acres comprised in patta No.1126. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to pass appropriate orders purely on merits and in accordance with law. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rk

To

The Tahsildar,
Madurantakam taluk,
Kancheepuram District.

1 cc to Mr.K. Thilagaraj, Advocate, Sr. 20345
1 cc to Government Pleader, Sr. 20494

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