

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.12261 of 2016

N.Sampath

... Petitioner

vs.

The Tahsildar,
Walaja Taluk,
Walaja, Vellore District.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 6.10.2015 with regard to survey and lay boundary stones in the petitioner's property within a stipulated time as fixed by this Court.

For Petitioner : Mr.M.Ramadass

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

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to consider and pass orders on his representation dated 6.10.2015 with regard to survey and lay boundary stones in his property within a stipulated time as fixed by this Court.

3. It is the case of the petitioner that he has purchased a vacant land comprised in S.No.64/2B measuring to an extent of 1200 sq.ft. situated at Puzhivalam Village, Walaja Sub District Office, Vellore District under a sale deed dated 30.7.1999 registered as document No.1253 of 1999 in the office of SRO, Sholingapuram. Ever since the date of purchase, the petitioner has been in possession and enjoyment of the same by

running a petty shop and also by storing Mangalore Titles, Hay-Stocks and Fire Wood. While so, one K.Narasimman and his son N.Baskaran, who are the adjacent owners of his property, filed a suit in O.S.No.49 of 2008 as against the petitioner before the District Munsif Court, Sholingar for permanent injunction. In the said suit, the petitioner's property comprised in S.No.64/2B has been wrongly included as item No.2 of the suit schedule properties. The said suit was decreed in respect of item Nos.1 and 3 to 5 and was dismissed in respect of item No.2 of the suit schedule properties. As against the said judgment and decree, no appeal was filed. Thereafter, since there is no fence or compound wall in and around his property, the petitioner intends to put up fence. Hence, he made a representation dated 6.10.2015 to the respondent requesting him to survey his property and to lay boundary stones by demarcating the said property. In spite of receipt of the said representation, the respondent has not passed any order till date. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the respondent to consider the representation of the petitioner dated 6.10.2015 and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar (VI)

//True Copy//

Sub Assistant Registrar

sbi

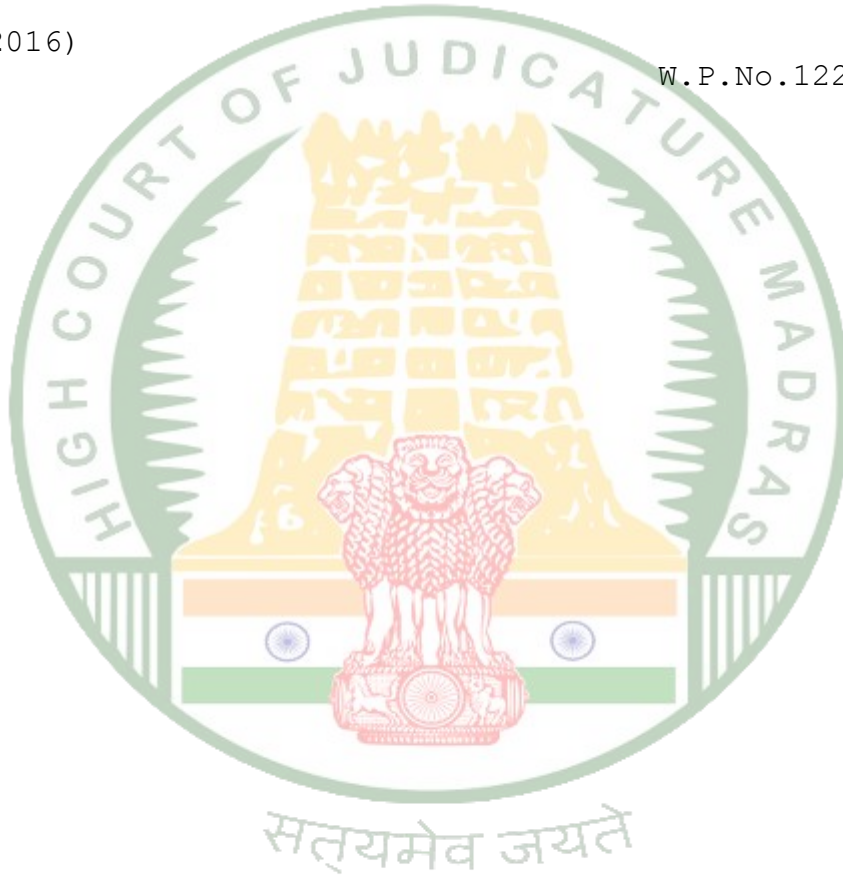
To

The Tahsildar,
Walaja Taluk,
Walaja, Vellore District.

+1cc to Mr.M. Ramadass, Advocate, S.R.No.20426
+1cc to the Government Pleader, S.R.No.20916

SVI (CO)
EU (22/04/2016)

W.P.No.12261 of 2016



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