

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13360 of 2016

C.Subanandhan

... Petitioner

vs.

The Tahsildar,
Pollachi Taluk,
Pollachi,
Coimbatore 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 dispose of the petitioner's representation dated 14.3.2016 by measuring the petitioner's land of an extent of 2.37 acres in R.S.No.170/1A, Periya Nagamam Village, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr.V.Ravi

For Respondent : Mr.S.Pattabiraman,
Govt. Advocate.

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 dispose of his representation dated 14.3.2016 by measuring his land measuring to an extent of 2.37 acres in R.S.No.170/1A, Periya Nagamam Village, Pollachi Taluk, Coimbatore District.

3. It is the case of the petitioner that he is owning an agricultural land measuring to an extent of 2.37 acres in S.No.170/1A in Periyaneagamam Village, Pollachi Taluk, Coimbatore District. The coconut trees are planted in the said land the

petitioner is doing agricultural work. While so, due to some enmity, one P.Varadharaj Sekar and S.Kumar of his village, compelled and influenced the authorities of the District Rural Development Agency, Coimbatore for laying a road through his land without following any procedure of law. On 10.2.2016, some officials came to his land and tried to measure the same for laying a road. The petitioner objected the same. Immediately, the petitioner filed a petition before this Court in W.P.No.7574 of 2016 and in the said writ petition, this Court granted an order of status quo on 1.3.2016. Even after that, the authorities are trying to measure his land. Already, 0.13 cents of land in Survey No.170/1B and 67 cents of land in Survey No.170/2C2 had been given by his father Chidambaram for the purpose of laying road. Further, the measurement was also wrongly given by the said persons knowing fully well that it is incorrect. Hence, in order to put an end, the petitioner sent a representation dated 14.3.2016 to the respondent for measuring his land. Though the respondent has received the said representation, he has not taken any action on the said representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition seeking a direction to the respondent to take action on his representation to survey his land and lay stones properly as per the procedure.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, 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, this Court directs the respondent to consider the representation of the petitioner dated 14.3.2016 seeking to measure his land measuring to an extent of 2.37 acres in R.S.No.170/1A, Periya Nagamam Village, Pollachi Taluk, Coimbatore District, 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. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Tahsildar,
Pollachi Taluk,
Pollachi,
Coimbatore District.

+1 cc to Mr.V.Ravi Advocate sr.22455
+1 cc to Government pleader sr.22758

W.P.No.13360 of 2016

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