

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13417 of 2016

1.A.Senthilvelavan
2.S.K.Balasundaram

... Petitioners

Vs.

1.The Tahsildar,
Omalur Taluk,
Salem District.

2.The Collector,
Salem District.

3.The Village Administrative Officer,
Tharamangalam,
Omalur Taluk,
Salem District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the first respondent to measure the petitioners' properties and mark the boundaries in S.No.169/1, 169/2, measuring to an extent of 16,000 sq.ft. at Tharamangalam Village, Omalur Taluk, Salem District.

For Petitioners : Mr.G.Surya Narayanan
For Respondents : Mrs.M.E.Rani Selvam,
Addl. Govt. Pleader

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the first respondent to measure their properties and mark the boundaries in S.No.169/1, 169/2, measuring to an extent of 16,000 sq.ft. at Tharamangalam Village, Omalur Taluk, Salem District.

3. It is the case of the petitioners that they are the owners of the properties at S.No.169/1 and S.No.169/2, in

Tharamangalam Village, Omalur Taluk, Salem District, having purchased the same by way of two sale deeds dated 12.3.2010 from one S.Thangamuthu vide document No.1419/2010. The second petitioner purchased 2287 ½ sq.ft. of land from the first petitioner by sale deed dated 5.2.2014, registered as document No.535/2014 on the file of SRO, Omalur. From the date of purchase, the petitioners are in possession and enjoyment of their respective properties. Thereafter, the second petitioner obtained planning permission from the Municipality on 13.9.2015 and had put up a construction in his land. He had also sold some portion of his properties to his relative and they are in joint occupation. While so, the petitioner requested the officials of the respondents to measure their lands in accordance with the sale deeds and mark the boundaries. However, they have not taken any action. In this regard, the petitioners sent a representation dated 4.4.2016 to the respondents to measure their lands and mark the boundaries. Since the same was also not considered, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier.

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

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioners dated 4.4.2016 seeking to measure their properties and mark the boundaries in S.No.169/1, 169/2, measuring to an extent of 16,000 sq.ft. at Tharamangalam Village, Omalur Taluk, Salem District, and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioners 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 petitioners and it is for the first respondent to consider the claim of the petitioners strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Tahsildar,
Omalur Taluk,
Salem District.

2.The Collector,
Salem District.

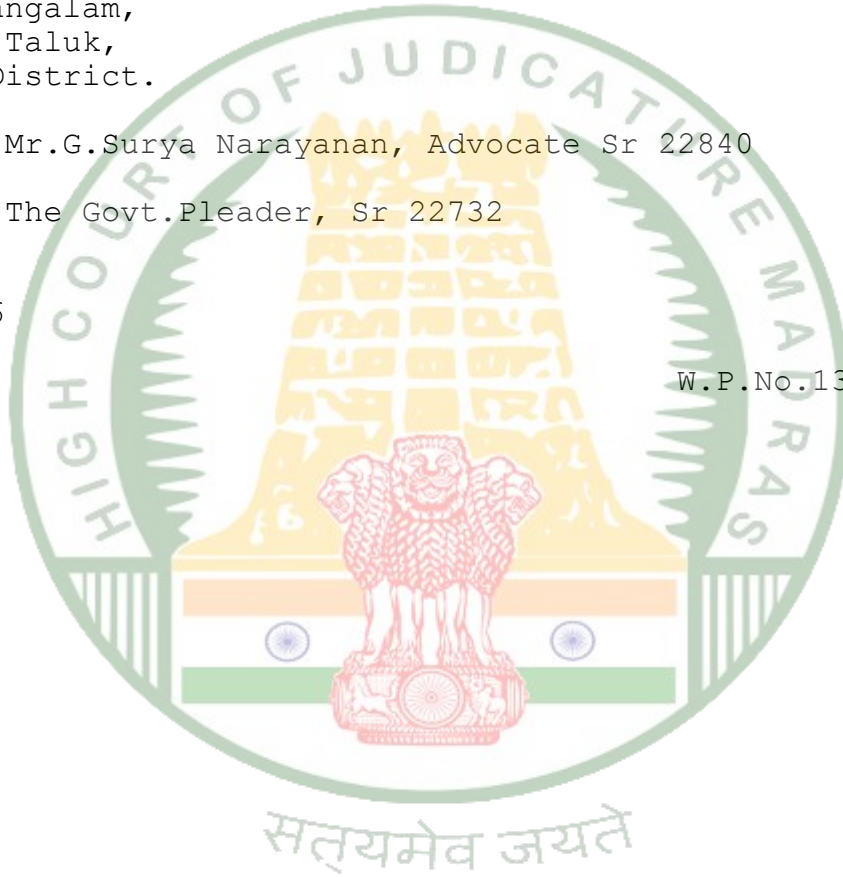
3.The Village Administrative Officer,
Tharamangalam,
Omalur Taluk,
Salem District.

+ 1 cc to Mr.G.Surya Narayanan, Advocate Sr 22840

+ 1 cc to The Govt.Pleader, Sr 22732

KR/27/4/16

W.P.No.13417 of 2016



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