

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14122 of 2016

M.Sridhevi

... Petitioner

vs.

1.The District Collector,
Salem District,
Salem.

2.The Assistant Director of Land Survey,
Collectorate,
Salem, Salem District.

3.The Revenue Divisional Officer,
Attur, Attur Taluk,
Salem District.

4.The Special Tahsildar,
Land Tax Scheme,
Attur Town,
Salem District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the fourth respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 16.3.2016 within a stipulated time as this Court fixes.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.P.Rajalakshmi,
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 fourth respondent to consider and pass orders on merits by disposing the written representation made by her on 16.3.2016 within a stipulated time fixed by this Court.

3. It is the case of the petitioner that she purchased a house bearing Door No.17-A, Andal Street, Attur Town, measuring to an extent of 464 sq.ft. along with 7 feet breadth common pathway east - west and north - south in both pathways and 7 feet breadth along with easement rights, from one Kavitha through a registered sale deed dated 2.5.2014. Since there is a dispute between the survey map FMB 1985 and the present FMB, the petitioner made a request to the respondents on 16.3.2016 seeking to make sub division of the common pathway and to issue separate patta in her name. But, till date, the respondents have not taken any action on her representation. Hence, 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 Government Advocate, 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 fourth respondent to consider the written representation of the petitioner dated 16.3.2016 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 projected by the petitioner and it is for the fourth 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.

sbi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Salem District,
Salem.

2.The Assistant Director of Land Survey,
Collectorate,
Salem, Salem District.

3.The Revenue Divisional Officer,
Attur, Attur Taluk,
Salem District.

4.The Special Tahsildar,
Land Tax Scheme,
Attur Town,
Salem District.

+ 1 cc to Mr.C.Prakasam, Advocate Sr 24011

+ 1 cc to The Govt.Pleader, Sr 23893

KR/28/4/16

W.P.No.14122 of 2016



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