

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15649 of 2016

N.Senthil

[Petitioner]

Vs

The Tahsildar
(Land Survey Department)
Uthukottai Tahsildar Office
Uthukottai Thiruvallur District

[Respondent]

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the respondent to consider and dispose the petitioner representation dated 04.01.2016.

For Petitioner : Mr.R.Y.George Williams
For Respondents : Mr.S.Pattabiraman,
Government Advocate

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent to consider and dispose of his representation dated 04.01.2016.

2. It is the case of the petitioner that the property in Survey Number 24/2, Thumpakkam Village, Thandalam, Thandalam Post, Uthukkottai, Thiruvallur District, which was originally belong to one Parvathi was purchased by him from the daughters and grand sons of the said Parvathy vide sale deed dated 7.9.2015 and thereafter, he is in possession and enjoyment of the same. Adjacent to the property of the petitioner, there is a Trust by name M/s Arulmigu Nayagi Swamigal Sourashtra Educational Trust and the said Trust claim that the adjacent property was obtained by way of gift deed and they put up gate and compound enclosing his property also. Therefore, both of

them lodged complaint before Periapalayam Police Station, however, they advised to go before the Civil forum. It is the further case of the petitioner that inspite of the request made by the petitioner to measure and subdivide the property of the petitioner in Survey No.24/2 and to issue patta, till date, there is no response. In the meantime, the said Trust filed O.S.No.3 of 2016 before the District Munsif Court, Uthukkottai against the petitioner. Thereafter, again the petitioner gave a representation to measure the land, identify the extent of land as per documents and to issue patta on 04.01.2016, to put an end to the dispute. But, till date, there is no response. Now, the petitioner has approached this Court by filing this writ petition for the above stated relief.

3. Heard Mr.R.Y.George Williams, learned counsel for the petitioner and Mr.S.Pattabiraman, learned Government Advocate, who took notice for the respondent.

4. Considering the facts and circumstances of the case, 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 04.01.2016 and pass appropriate orders after affording an opportunity of personal hearing to the petitioner as well as to the necessary parties. 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 entire 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.

s/d-

Assistant Registrar(CSVII)

True Copy

Sub-Assistant Registrar

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To
The Tahsildar
(Land Survey Department)
Uthukottai Tahsildar Office
Uthukottai Thiruvallur District

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+1 cc to Government Pleader sr.26632/16
+1 cc to Mr.R.Y.George William Advocate sr.26130/16

W.P.No.15649 of 2016

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