

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.16516 of 2016

Rajavelu

... Petitioner

Vs

1. The Collector,
Namakkal District,
Namakkal.
2. The Tahsildar,
Namakkal District,
Namakkal.
3. The Land Surveyor,
Taluk Office,
Namakkal District,
Namakkal.

.... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09/03/2016 within the time fixed by this Court.

For Petitioner : Mr.E.Pragasam

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

WEB COPY
O R D E R

The petitioner has come forward with this Writ Petition seeking for issuance of a Mandamus upon the respondents to consider the petitioner's representation dated 09/03/2016 within the time fixed by this Court.

2. It is the case of the petitioner that he has been residing at Door No.143/19, Naduvalam Kaadu, Thedhu Kaadu Post, Senthamangalam Taluk, Namakkal District with his family and he

is an agriculturist by profession. The petitioner and his family members are owning ancestral property and they were jointly cultivating the said property before 2008. On 14.7.2008, a partition deed was entered amongst the petitioner, his father, mother and brothers and the same was registered under Document No.1233 of 2008 before the Sub Registrar, Puduchathiram, Namakkal District. In the said partition deed, the petitioner was allotted "B" schedule property mentioned in Survey No.465/C, measuring 1.03.0 hectares and also in Survey No.464 /1b, measuring an extent of 0.38.5 hectares (acre 0.95) mentioned therein and on the day of execution of partition deed, he took possession of the allotted portion of the property and till date, the same is under his possession. With regard to the said property, the petitioner has obtained patta in his name vide Patta No.2186 and also obtained Chitta and he has also paid the land tax as levied by the Government.

3. Therefore, he made an application before the 2nd respondent on 2.2.2016 to survey his property and also paid necessary fee for the same to the 2nd respondent, but the 2nd respondent neither surveyed his land, nor gave any reply. In the circumstances, he again sent a representation on 9.3.2016 to the respondents for surveying his land, but till date, no action was taken by the respondents. Hence the petitioner has filed the present Writ Petition.

4. It is seen that the representation given by the petitioner dated 9.3.2016 before the respondents has been pending till date without initiating any action. Hence, this Court, without going into the merits of the case, directs the petitioner to give a fresh representation to the 2nd respondent seeking to survey his land within a period of two weeks from the date of receipt of a copy of this order and on such representation, the 2nd respondent is directed to consider the same by conducting an enquiry and pass appropriate orders, after affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, on merits and in accordance with law, within a period of six weeks thereafter.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Collector,
Namakkal District,
Namakkal.
2. The Tahsildar,
Namakkal District,
Namakkal.
3. The Land Surveyor,
Taluk Office,
Namakkal District,
Namakkal.

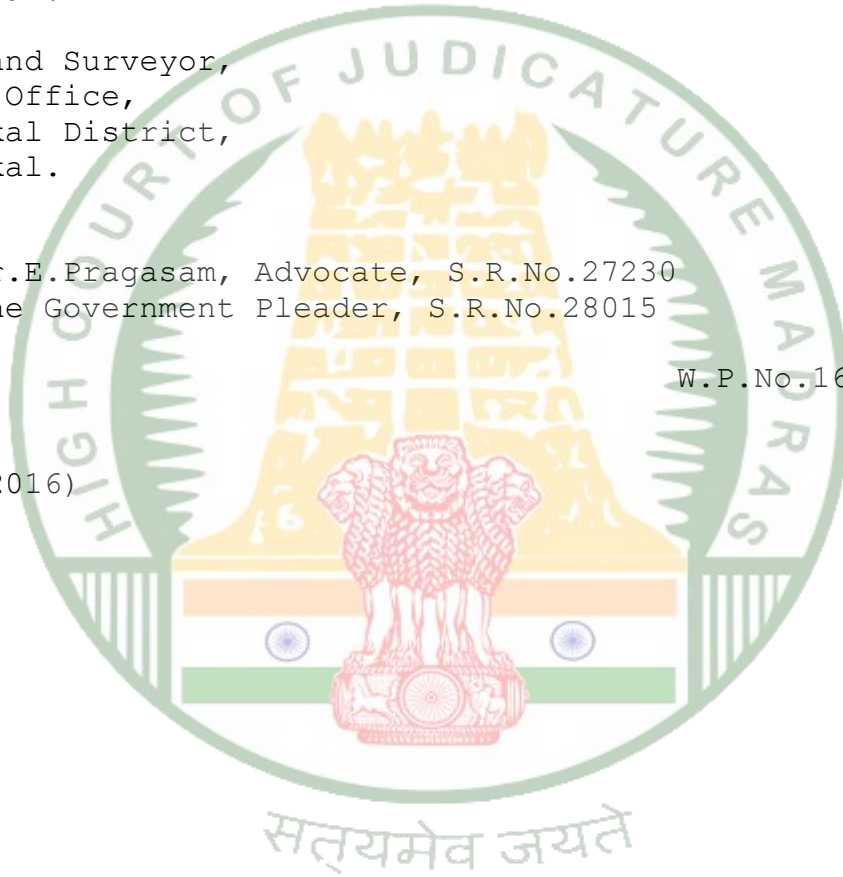
+1cc to Mr.E.Pragasam, Advocate, S.R.No.27230

+1cc to the Government Pleader, S.R.No.28015

W.P.No.16516 of 2016

CA(CO)

CA(14/06/2016)



WEB COPY