

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20249/2016

M.Annamalai

..Petitioner

-Versus-

The Tahsildar
Tahsildar Office
Vazhapadi, Salem District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondent to consider petitioner representation dated 05.05.2015 to measure and identify the lands in SF.No.126/5, Sarkar Naattaamangalam Village, Vazhapadi Taluk, Salem District within time limit to be fixed by this Court.

For Petitioner : Mr.S.Arjun for Mr.S.Gunalan
For Respondent : Mr.R.Vijayakumar,
Addl.Govt.Pleader

ORDER

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

2 The petitioner claims that the property in SF.Nos.125 and 126, in Sarkar Naattaamanglam Village, Vazhapadi Taluk, Salem District, originally belonged to his father Muthu Udayar and he died 35 years ago leaving behind his legal heirs namely, the petitioner herein, Chinnapaiyan [deceased], Chellappan @ Joe, Patchaiappan and Pachiammal and subsequent to the demise of Muthu Udayar, the legal heirs partitioned the property orally in the year 1985 and subdivided the property in SF Nos.125/1, 126/2, 126/3 and 126/5 admeasuring to a total extent of 2.78 acres. The grievance expressed by the petitioner is that the adjacent land owner, viz., Tmt.Valliammal, W/o.[late] Marimuthu and her son Manivel have encroached upon a portion of the petitioner's property in SF.No.126/5 on the western side and therefore, in order to establish his claim, the petitioner had approached the

respondent in the form of an application dated 05.05.2015 to measure and identify the property and also to take necessary steps and since no orders have been passed, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondent.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, directs the respondent to consider and dispose of the petitioner's representation/application dated 05.05.2015 on merits and in accordance with law, after putting on notice, Mrs.Valliammal, wife of [late] Marimuthu, and her son Manivel and pass orders within a period of ten weeks from the date of receipt of a copy of this order and inform the petitioner as well as to the persons concerned.

5 The writ petition is disposed of with the above direction. No costs.

AP

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Tahsildar
Tahsildar Office
Vazhapadi, Salem District.

+1cc to Mr.S.Gunalan, Advocate S.R.No.33171
+1cc to the Government Pleader, S.R.No.33314

KR/24/6/16

W.P.No.20249/2016