

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.28944 of 2016

J. Stephen Pushparaj

.. Petitioner

Versus

The District Revenue Officer,
Guindy Revenue Office,
Chennai 600 015.

.. Respondent

Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondent to consider petitioner representation to declare the boundary limit in door No.150 in Plot No.8 in Old Survey No.185

For Petitioner : Mr.S.P.Siva Pradosh

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed seeking for a Mandamus directing the respondent to consider the petitioner representation dated 21.07.2016 to declare the boundary limit and to demarcate the four boundaries in respect of the property in door No.150 in Plot No.8 in Old Survey No.185 Block No.8, Zone No.12 comprised in Survey No.185 in Adyar Village.

3. The petitioner states that his mother was the owner of two properties situate in Tirunelveli District and in Chennai. In respect of these two properties, the petitioner's mother has executed a registered Gift Deed dated 27.11.2013 in his favour which was registered as document No. 3113 of 2013. According to the petitioner, on the strength of such gift deed, he has mutated the revenue records and is also paying the property tax in his name. The grievance of the petitioner is that the

adjacent owners have attempted to enter into his land and therefore he has submitted an application dated 21.07.2016 to the respondent seeking to demarcate the four boundaries of the vacant land in door No.150 in Plot No.8 in Old Survey No.185 Block No.8, Zone No.12 comprised in Survey No.185 in Adyar Village. Since the said representation has not considered till date, the petitioner has come forward with this Writ petition.

4. Heard both sides. The learned counsel for the petitioner would state that the Tahsildar has refused to receive the application submitted by the petitioner and therefore, he has submitted the representation to the respondent herein.

5. The learned Special Government Pleader, on instructions would submit that the since there is a dispute with respect to the ownership of the property, the Tahsildar refused to accept the application from the petitioner. Further, the petitioner has not paid the requisite fee along with the application and therefore also, the application of the petitioner cannot be entertained.

6. Admittedly, the Tahsildar is the competent authority to entertain the application of the petitioner for demarcating his land. Therefore, considering the facts and circumstances of the case and also considering the submissions made, this Court feels that it is suffice to direct the petitioner to pay the requisite fee along with the application for demarcating his lands to the Tahsildar concerned and on receipt of the same, the Tahsildar concerned is directed to consider it and pass orders on the application of the petitioner.

7. Accordingly, the petitioner is directed to make necessary fee along with the application and on payment of the same, the Tahsildar concerned is directed to pass orders on merits and in accordance with law, after giving notice to all concerned, as expeditiously as possible. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

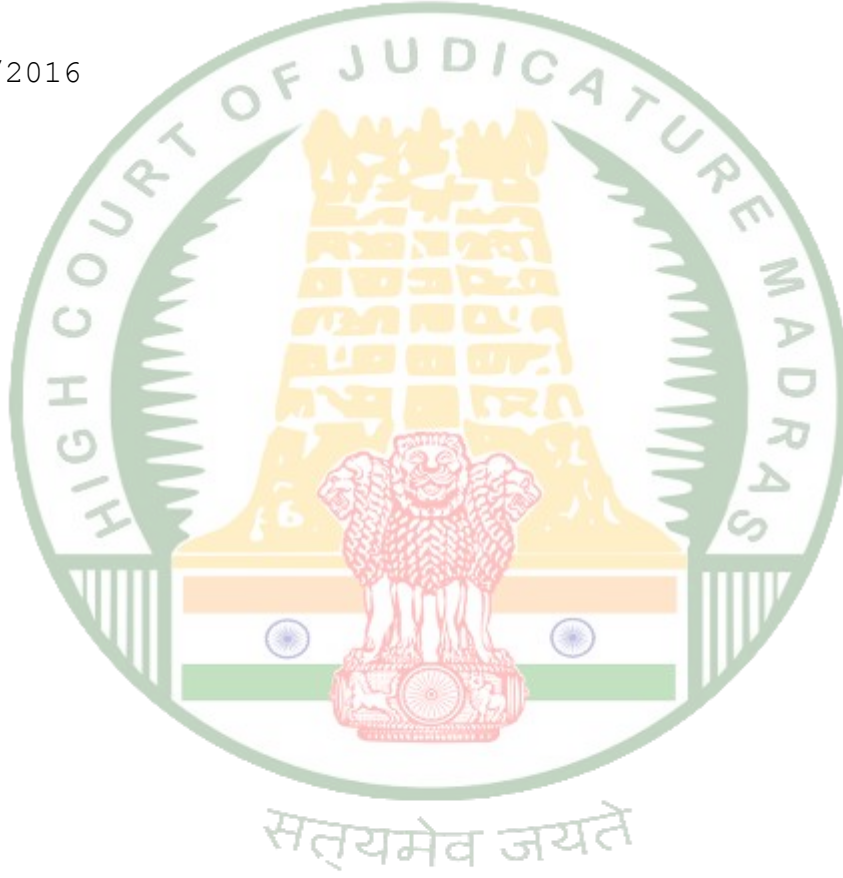
To

The District Revenue Officer,
Guindy Revenue Office,
Chennai 600 015.

+lcc to Mr.S.P.SivaProdosh, Advocate Sr.47474

W.P. No. 28944 of 2016

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