

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.31467 of 2016

K.Damayanthi @ Gowri

.. Petitioner

Versus

The Tahsildhar,
Ayanavaram Taluk,
No.25, United India Colony,
First Main Road,
Ayanavaram,
Chennai-600 023.

.. Respondent

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondent to measure the property of the petitioner comprised in T.S.No.8/2, Guggi Main Road, Ayanavaram Revenue Village in Block No.13, Ayanavaram Taluk, Chennai-600 023 based on the application dated 21.06.2016 made by the petitioner forthwith.

For Petitioner : Mr.Prabakar
for Mr.G.Vinodh Kumar

For Respondent : Mr. P. Senthilvel
Government Advocate

ORDER

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

2. According to the petitioner, the property comprised in Survey No.8/2 in Block No.13, Ayanavaram Division measuring 6061 sq.ft. which consists of two houses and 1261 sq.ft. of vacant land originally belongs to his mother Sivagamiammal. The petitioner's mother executed a deed of partition between the petitioner and his brother Kathirvel on 27.02.1987 under a registered partition deed vide Document no.6257 of 1987 on the file of the Sub Registrar Office, Annanagar. In the said partition, the petitioner was allotted land measuring an extent of 2403 sq.ft. and his brother Kamalakannan was allotted land to an extent of 3658 sq.ft. Pursuant to the said partition, a patta was issued in favour of the petitioner by the respondent in respect of the land measuring 2191 sq.ft. instead of 2403 sq.ft. vide proceedings dated 19.09.2000 in C.A.No.930/2000 - 01. It is further stated that as the patta was not issued for the correct extent of land owned by the petitioner and there is a shortage land to an extent of 212 sq.ft., the petitioner

submitted an application on 09.09.2015 for fix the four boundaries surrounding his land by making necessary charges. Along with the said application, the petitioner also enclosed documents such as old patta which stands in the name of his mother, partition deed and patta issued by the respondent in his favour. Further, there was a dispute between the petitioner and his brother and that is also the reason why he has submitted the application dated 09.09.2015 to measure the land and for fixing the boundaries with a view to avoid any further problem in future. As the respondent did not consider his application dated 09.09.2015, the petitioner sent a representation on 21.06.2016, followed by a remainder on 08.07.2016 to the respondent requesting to measure the land immediately. Even then the respondent has not come forward to measure his land and therefore, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

3. Heard the learned counsel for the petitioner as well as learned Government Advocate appearing for the respondent.

4. Considering the above facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court directs the respondent to consider and pass orders on the representation of the petitioner, dated 21.06.2016, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. This Writ Petition is disposed of accordingly. No costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

arr/rsh

To

The Tahsildhar,
Ayanavaram Taluk,
No.25, United India Colony,
First Main Road, Ayanavaram,
Chennai-600 023.

+1 cc tp MR.M.VINOTH KUMAR, Advocate SR.NO. 51665

WP No.31467 of 2016

lrs[co]

RD : 18/10/2016