

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.10.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.35171 of 2016

K.Kulanthaivel .. Petitioner

Vs.

1.The Tahsildar,
Rasipuram Taluk,
Rasipuram.

2.The District Collector,
Namakkal District,
Namakkal.

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to conduct field survey with the help of competent surveyor to demarcate petitioner's land comprised in S.No.56/1 situates at Ponkurichi Village, Rasipuram Taluk, Namakkal District.

For Petitioner : Mr.V.K.Vijayaragavan

For Respondents: Mr.P.Chinnadurai
Government Advocate

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the first respondent to conduct field survey with the help of competent surveyor to demarcate petitioner's land comprised in S.No.56/1 situates at Ponkurichi Village, Rasipuram Taluk, Namakkal District.

2.The petitioner and his wife, purchased 3 acres of land comprised in S.No.56/1, at Ponkurichi Village, Rasipuram Taluk, by a registered sale deed dated 03.02.1981. Subsequently, petitioner's wife died and he filed Suit in O.S.No.99 of 1997 on the file of the District Munsif Court, Rasipuram, for declaration of title and for permanent injunction from interfering with his possession in land in addition to the relief of mandatory injunction directing the respondents to

plant 18 stone pillars and arrange fencing as was available before and the said Suit decreed on 01.02.2005. Thereafter, the respondents filed appeal in A.S.No.72 of 2008 on the file of Subordinate Judges Court, Rasipuram and on 19.06.2009, the appeal was dismissed. According to the petitioner, he made applications to the respondents to demarcate his land for utilization of agricultural operation but till date no action has been taken and hence, the Writ Petition has been filed.

3.Mr.V.K.Vijayaragavan, learned counsel for the petitioner would submit that the petitioner would be satisfied, if his representation is directed to be considered and appropriate orders are passed as expeditiously as possible.

4.Mr.P.Chinnadurai, learned Government Advocate for the respondents has got no serious objection for directing the first respondent, who is the competent authority to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the first respondent, to consider the representation of the petitioner, dated 01.10.2015 and pass appropriate orders, on merits and in accordance with law. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Tahsildar,
Rasipuram Taluk,
Rasipuram.

WEB COPY

2.The District Collector,
Namakkal District,
Namakkal.

+1cc to Mr.V.K. Vijayaragavan , Advocate, S.R.No.57306
+1cc to the Government Pleader, S.R.No.57230

mp (CO)
md (08/11/2016)

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