

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.No.37896/2016 & WMP No.32472/2016

R.Amirtha

..Petitioner

...Vs...

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
O/o.Tahsildar Office,
Vannur,Villupuram District. ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to measure the petitioner's property comprised in Old Survey No.61/5 New Survey No.260/2 measuring an extent of 1 acre 90 ½ cents out of 3.81 ares situated at Onchiyapattu Village, Vannur Taluk, Villupuram District in terms of the representation dated 07.08.2015 made by the petitioner.

For Petitioner : Mr.Pitty Parthasarathy
For Respondents : Mr.A.N.Thambidurai, Spl.GP

ORDER

Heard the learned counsel for the petitioner and Mr.A.N.Thambi Durai, learned Special Government Pleader who accepts notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2 The petitioner would state that she had purchased a property admeasuring to an extent of 1 acre and 90 ½ cents out of 3.81 acres comprised in Old Survey No.61/5, New Survey No.260/2, situate at Onchiyapattu Village, Vannur Taluk, Villupuram District from the vendors on 08.07.2015 through a registered Sale Deed dated 08.07.2015 bearing Doc.No.4251/2015 registered on the file of the office of the Sub Registrar, Vannur and since then, she is in the absolute possession and

enjoyment of the same. On 07.08.2015, the petitioner sent a representation to the 2nd respondent seeking for measurement of the property ; sub divide the same and to issue patta in her name. On receipt of such representation, the Surveyor attached to the 2nd respondent office fixed the date for measurement of the land on 09.01.2016 and when the parents of the petitioner went to the property on 09.01.2016, the Surveyor called upon one Krishnaraj over phone, pursuant to which, the said Krishnaraj came to the spot and raised his objection for measurement of the land. The Surveyor without measuring the land, went back. The petitioner also lodged a complaint before the jurisdictional Police Station and the Inspector of Police, Kiliyur Police Station, had enquired into the matter and called upon the said Krishnaraj, who gave in writing that he had nothing to do with the petitioner's property and that he will not interfere with the petitioner's property. Thereafter, the Surveyor fixed the date for measurement on 15.02.2016, on which date, he did not turn up. Immediately, the petitioner submitted a representation on 22.02.2016 to the 1st respondent as well as to the Superintendent of Police, Villupuram District, narrating the sequence of events and that on receipt of such representation, the Assistant Director, District Land Survey Office, Villupuram, sent a communication to the 2nd respondent dated 07.03.2016 to take action on the petitioner's representation and despite the specific communication of the Assistant Director, the 2nd respondent did not initiate any action and hence, the petitioner submitted yet another representation on 10.06.2016 to the 2nd respondent once again requesting him to measure the property. Since the petitioner has not been favoured with any kind of response, he is before this Court, by filing the present writ petition.

3 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in this writ petition or in the series of representations sent by him, directs the 2nd respondent to consider and dispose of the petitioner's representations dated 07.08.2015 and 10.06.2016 on merits and in accordance with law, after issuing notice to the said Krishnaraj and pass orders within a period of three months from the date of receipt of a copy of this order.

4 The writ petition stands disposed of with the above direction. No cost. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector,
Villupuram District, Villupuram.

2.The Tahsildar,
O/o.Tahsildar Office,
Vannur,Villupuram District.

+1cc to Mr. Pitty Parthasarathy, Advocate, S.R.No.61984
+1cc to the Government Pleader, S.R.No.62464

mg (CO)

md (14/11/2016)

WP.No.37896 of 2016

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