

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.38855/2016

S.Govindarasu

..

Petitioner

Vs

1.The District Collector
Ariyalur District.

2.The Revenue Divisional Officer
Udayarpalayam Division,
Ariyalur District.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent herein to survey the petitioner lands based upon the judgment and decree passed in AS.No.19/2008 dated 21.04.2015 on the file of the Additional District Court, Ariyalur District within a time frame to be fixed by this Court.

For Petitioner : Mr.R.Gokulakrishnan

For R1&R2 : Mr.A.N.Thambi Durai, 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 case of the petitioner is that the petitioner inherited the agricultural lands from his ancestors admeasuring about East-West 6 meters breadth, South-North 85 meters length which included along with both side of bund and Eastern side of lower bund measuring about 1 meter breadth comprised in S.No.104/5B, Nakkambadi Village, Sendurai Taluk, Ariyalur District and due to the disturbance caused by his adjacent land owners, the petitioner filed a civil suit in OS.No.330/1996 on the file of the District Munsif Court, Ariyalur, which came to be dismissed on 30.07.2003, against which the petitioner preferred an appeal in AS.No.19/2008 on the file of the Additional District Court, Ariyalur, which came to be partly allowed on 21.04.2015 and the same has

attained finality as no second appeal has been preferred by the aggrieved parties. The petitioner, after the said judgment and decree dated 21.04.2015, has submitted a representation to the Sub Treasury officer dated 18.08.2015 to survey his lands ; but the same has not been done. Thereafter, the petitioner submitted a representation dated 11.01.2016 to the 1st respondent, who in turn, directed the petitioner to approach the 2nd respondent for the aforesaid relief. The inaction on the part of the 2nd respondent despite the judgment and decree dated 21.04.2015 passed in favour of the petitioner, has made the petitioner to approach this Court by filing the present writ petition.

3 This Court, considering the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 11.01.2016 on merits and in accordance with law and in the light of the judgment and decree dated 21.04.2015 made in AS.No.19/2008 on the file of the learned Additional District Judge, Ariyalur and after issuing notice to the person/s concerned and pass orders as expeditiously as possible and communicate the decision taken, to the petitioner as well as to the person/s concerned.

4 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The District Collector
Ariyalur District.
- 2.The Revenue Divisional Officer
Udayarpalayam Division,
Ariyalur District.

- 1 cc to Government Pleader, Sr. 64370
1 cc to Mr.R. Gokula Krishnan, Advocate, sr. 63746

WP.No.38855/2016

RSY (CO)
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