

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.40352 of 2016

Kamalam

... Petitioner

Versus

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Tahsildar,
Sulur Taluk,
Coimbatore District, Coimbatore.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the second respondent to consider the representation of the petitioner dated 12.09.2016 and to measure and sub divide the property of the petitioner situated at S.No.28/4A, Vadavedampatti Village, Majra Karamburaveepalyam.

For Petitioner : Mr.R.Bharanidharan
for Mr.P.Muthukumarasamy
For Respondent : Mr.R.S.Selvam,
Government Advocate

ORDER

By consent of both parties, the present writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that the petitioner purchased some lands in S.No.28/3B measuring 0.60 Punjai land and S.No.28/4A measuring an extent of 0.38.5 Punjai land from one A.Parameswaran, by way of sale deed dated 04.12.2013 and she has been carrying on agriculture in the said lands. The boundaries of the lands in S.No.28/3B have been measured and sub-divided, whereas the boundaries of the lands in S.No.28/4A are yet to be sub-divided, resulting in which, the land survey documents with respect to S.No.28/4A still stand in the name of one Marappa Gounder, Lakshmana Gounder and the vendor of the one A.Parameswaran and as such, they claimed themselves to be the co-sharers of the land and thereby, obstructing the petitioner from carrying out agriculture in the said lands.

Hence, the petitioner made a representation dated 11.03.2016 to the second respondent, requesting him for measurement of the lands situated in S.No.28/4A and suitable entries of the Sub-Division of the land be made in the Revenue Records. As there was no response from the second respondent, the petitioner made a representation dated 27.05.2016 to the first respondent requesting for sub-division of the property, following which, she also made a further representation to the second respondent, for which, there was no response.

3. The petitioner further states that since her lands required irrigation from a well, she made a representation dated 27.08.2016 to the Vadavedampatti Panchayat seeking permission for irrigation, for which, permission was granted to carry out renovation in the said well. After getting the said permission, renovation in the said well was carried out. While so, the petitioner's son was threatened by the said Marappa Gounder and his son with dire consequences not to carry out agriculture in the lands, following which, a complaint was preferred by the petitioner's son before the Negamam Police Station in CSR.No.138 of 2016. During the enquiry, the said Marappa Gounder had submitted that he will not create any obstructions henceforth. Recording the same, the complaint was closed. Thereafter, she made another representation dated 30.08.2016 requesting for measurement of the land and sub-division to be carried out, based on the above submission of the said Marappa Gounder before the Negamam Police Authorities, following which, she was served with a notice dated 02.09.2016 intimating that the RDO will inspect the lands on 09.09.2016. But, nothing transpired on that day. Since no authorities have turned up for inspecting the properties, the petitioner had made yet another representation dated 12.09.2016 to the second respondent requesting the authorities to conduct a survey, measurement of the lands to create sub-division of the property and consequently to effect suitable entries in the revenue records. As there was no action taken by the authorities, the present writ petition has been filed.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.

5. Considering the pendency of the representation of the petitioner before the second respondent with regard to sub-division of the lands in S.No.28/4A and without going into merits of the case, the second respondent is directed to consider the representation of the petitioner dated 12.09.2016 and pass orders thereupon, on merits and in accordance with law, after giving notice to all necessary parties, within a period of three months from the date of receipt of a copy of

6. With the above direction, the present writ petition is disposed of. No costs.

-Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Tahsildar,
Sulur Taluk,
Coimbatore District, Coimbatore.

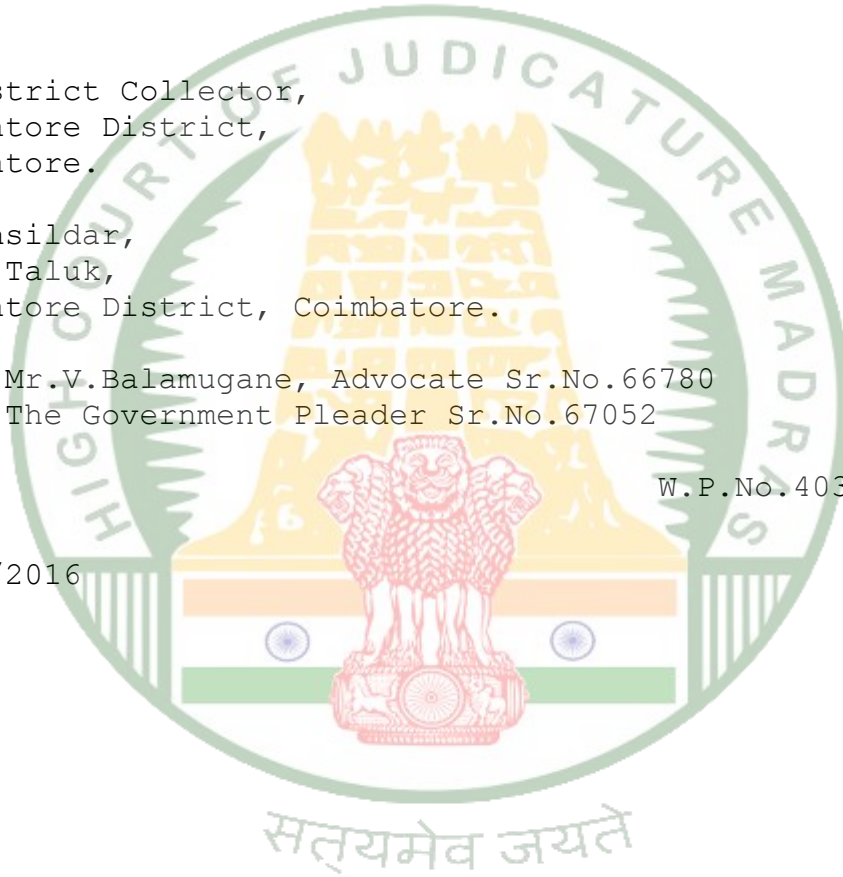
+ 1 cc to Mr.V.Balamugane, Advocate Sr.No.66780

+ 1 cc to The Government Pleader Sr.No.67052

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CO/KJI

RRI 29/12/2016



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