

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 43959 of 2016

M. Javid Ali

...Petitioner

Vs.

1. The District Collector
District Collectorate Office
Villupuram District.

2. The District Revenue Officer
District Collectorate Office Campus
Villupuram.

3. The Tahsildar
Tahsildar Office
Gingee, Villupuram District.

4. Chief Land Surveyor
Tahsildar Office
Gingee, Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents particularly the 4th respondent to consider the petitioner's representations dated 12.08.2015 and 05.10.2015 to survey and demarcate the Wakf properties situated in S.No.39/1 to the extent of 5.09.5 Ares, S.No.39/3 to the extent of 3.11.0 Ares, S.No.23/1 to the extent of 4.21.0 Ares, S.No.31/2 to the extent of 0.53.0 Ares in Sittampondi Village, Gingee Taluk and in S.No.79 to the extent of 5.77.0 Ares in Sirukambur Village, Gingee Taluk and also in S.No.53 to the extent of 7.45.5 Ares in Krishnapuram Village, Gingee Taluk and to pass further orders.

For Petitioner : Mr. G. Mohammed Aseef

For Respondents : Mr. R. Rajeswaran, Spl.G.P

O R D E R

Heard Mr. G. Mohammed Aseef, learned counsel for the petitioner and Mr. P. Rajeswaran, Special Government Pleader for the respondents.

2. By consent, the writ petition itself is taken up for final hearing, in view of the limited prayer.

3. The petitioner has come up with the present writ petition praying to direct the respondents particularly the 4th respondent to consider the petitioner's representations dated 12.08.2015 and 05.10.2015, requesting to survey and demarcate the Wakf properties situated in S.No.39/1 to the extent of 5.09.5 Ares, S.No.39/3 to the extent of 3.11.0 Ares, S.No.23/1 to the extent of 4.21.0 Ares, S.No.31/2 to the extent of 0.53.0 Ares in Sittampondi Village, Gingee Taluk and in S.No.79 to the extent of 5.77.0 Ares in Sirukambur Village, Gingee Taluk and also in S.No.53 to the extent of 7.45.5 Ares in Krishnapuram Village, Gingee Taluk.

4. Learned counsel for the petitioner submitted that in order to safeguard the Wakf properties from encroachers, the petitioner gave an application dated 12.08.2015 and 05.10.2015 to the third respondent to survey the land, with necessary fees for each survey numbers. Learned counsel further submitted that so far, the said representations have not been considered by the respondents and no orders have been passed by the third respondent, thereby postponing the survey of the land. Therefore, the petitioner is before this Court seeking for a Mandamus.

5. Learned Special Government Pleader would submit that the said application has been made in the year 2015. If the said application is still pending in the office of the third respondent, the same would be considered in accordance with law.

6. Learned counsel for the petitioner undertakes to submit a fresh application with all the details to the third respondents.

7. In the light of the above said submissions of the learned counsel for the petitioner and the learned Special Government Pleader, the petitioner is directed to submit a fresh application with all relevant details within a period of two weeks from the date of receipt of a copy of this order and thereafter within a period of eight weeks, the third respondent is directed to consider the said application on merits and pass orders, in accordance with law. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
District Collector Office
Villupuram District.
2. The District Revenue Officer
District Collector Office Campus
Villupuram.
3. The Tahsildar
Tahsildar Office
Gingee, Villupuram District.
4. Chief Land Surveyor
Tahsildar Office
Gingee, Villupuram District.

+1cc to the Government Pleader, S.R.No.76299

RP(CO)
RS(02/02/2017)

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