

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4530 of 2016

K.Murugesan

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Petitioner

Vs.

1.The Assistant Director,
Land Survey and Records Department,
Collector Office,
Vellore.

2.The Tahsildar,
Anaikattu Taluk,
Vellore District.

3.The Taluk Head Surveyor,
Anaikattu Taluk,
Vellore District.

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Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 2nd respondent to consider the petitioner's representation, dated 06.07.2015, and direct the respondents 2 and 3 to measure the petitioner's house property in Survey No.584/8, Patta No.167, situated at Bazar Street, Odukathur Village, Anaikattu Taluk, Vellore District, and earmark the same.

For Petitioner : Mr.B.Gopal Krishnan

For Respondents : Mr.P.Karthikeyan,
Govt.Advocate.

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O R D E R

This Writ Petition has been filed, praying for issuance of a writ of mandamus to direct the respondents, to consider the petitioner's representation, dated 06.07.2015, to measure the petitioner's house property in Survey No.584/8, Patta No.167, situated at Bazar Street, Odukathur Village, Anaikattu Taluk, Vellore District, and earmark the same.

2. The petitioner has stated in his affidavit that the house property in Survey No.584/8, Patta No.167, situated at Bazar Street, Odukathur Village, Anaikattu Taluk, Vellore District, was owned by his ancestor, and, after the demise of his ancestor, the petitioner inherited the said property and he is in enjoyment of the same without any disturbance. The petitioner would further state that in the month of May, 2015, when the petitioner visited the said property to ascertain the perfect boundaries of the house, he has noticed that some unknown persons removed the boundary stones with a mala fide intention and attempted to encroach his house property without any valid right. As on date, the property tax and E.B. connection stand in the name of the petitioner's mother Saratha and patta also stands in the names of the legal heirs of his father, including the petitioner. The petitioner approached the office of second and third respondents, by addressing a representation, dated 06.07.2015, with a request to measure the property and earmark the same. The petitioner has also paid necessary charges for measurement of the same, but, no action has been taken by the respondents. Thereafter, the petitioner approached the first respondent and gave a representation, dated 11.08.2015, mentioning about the earlier representation, dated 06.07.2015, and the same was received by the first respondent, but, till-date, no action has been taken by the first respondent. On the same day, the petitioner has also submitted a reminder representation to the third respondent, and even then, no action has been taken by the third respondent. Hence, the petitioner has approached this Court, by way of this Writ Petition.

3. I have heard the learned counsel for the parties.

4. Considering the facts and circumstances of the case, this Court directs the petitioner to submit a fresh representation along with a copy of this order to the second respondent, enclosing all necessary documents, within a period of one week from the date of receipt of a copy of this order, and, on receipt of such representation, the second respondent is directed to consider the same and pass appropriate orders with regard to the measurement of the petitioner's house property in Survey No.584/8, Patta No.167, situated at Bazar Street, Odukathur Village, Anaikattu Taluk, Vellore District, and earmarking of the same, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and also other parties, if any, within a period of four weeks thereafter.

5. Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-VI)

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Sub Assistant Registrar

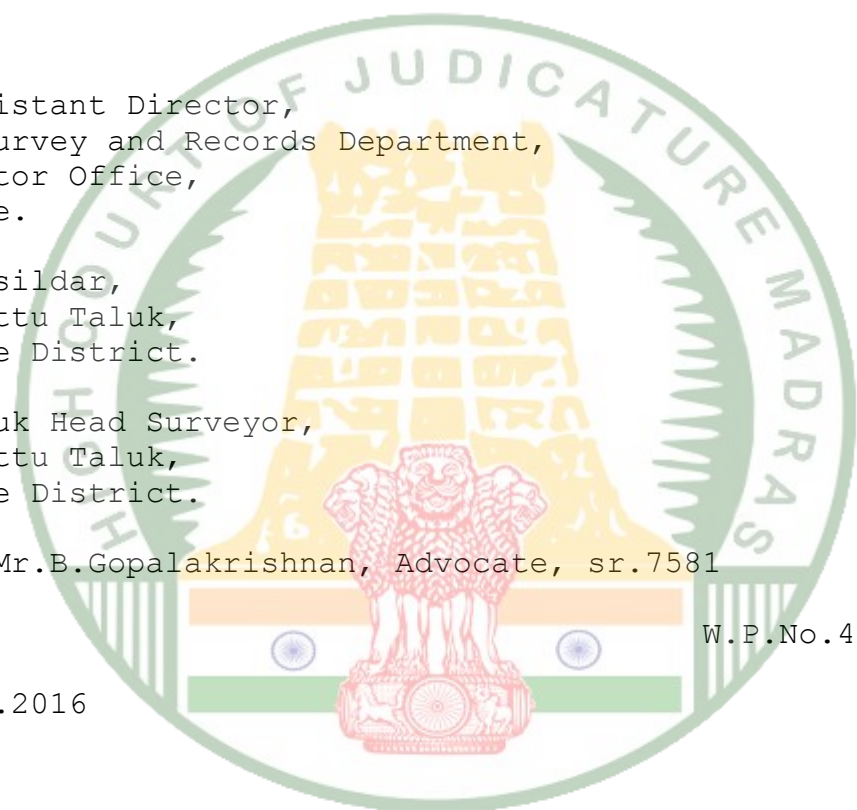
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To

- 1.The Assistant Director,
Land Survey and Records Department,
Collector Office,
Vellore.
 - 2.The Tahsildar,
Anaikattu Taluk,
Vellore District.
 - 3.The Taluk Head Surveyor,
Anaikattu Taluk,
Vellore District.
- +1 cc to Mr.B.Gopalakrishnan, Advocate, sr.7581

ca co
kra 23.02.2016

W.P.No.4530 of 2016



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