

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5134 of 2016

P.Manickkam

.. Petitioner

Vs.

The State rep. by

1. The Thasildar,
Kallakurichi Taluk Office,
Kallakurichi, Villupuram District.

2. The Head Surveyor,
Head Surveyor Office,
Kallakurichi, Villupuram District.

3. The Village Administrative Officer,
Village Administrative Office,
Siruvangur Village & Post,
Kallakurichi Taluk,
Villupuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to dispose of the petitioner's representation, dated 04.02.2016 made to survey the petitioner's land in Survey No.82/6,7,8,9,10,11,12,13,14 and patta No.505 to an extent of 310 cents in Siruvangur Village, Kallakurichi Taluk, Villupuram District, by the respondents within a time frame to be fixed by this Court.

For Petitioner : Mr.K.Jayakumar

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

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the first respondent to dispose of the petitioner's representation, dated 04.02.2016 made to survey the petitioner's land in Survey No.82/6,7,8,9,10,11,12,13,14 and patta No.505 to an extent of 310 cents in Siruvangur Village,

Kallakurichi Taluk, Villupuram District, by the respondents within a time frame to be fixed by this Court.

2. In the affidavit filed in support of the Writ Petition, it is averred by the petitioner that he is a farmer. He has purchased a property from Kandhasamy Pillai, Nallampillai, Mannankatti, Irusappillai, Sivagami, Lakshmi, Rani, on 21.08.1979, SRO, Kallakurichi in Document No.1631 of 1979 in S.No.82/6,7,8,9,10,11,12,13,14, of an extent of 310 cents and also obtained patta for the same. It is the grievance of the petitioner that on 24.10.2015, six unknown persons came and threatened him by claiming title over the petitioner's property. Hence, the petitioner submitted a representation, dated 04.02.2016 to the first respondent to measure/survey the petitioner's property and demarcate the same so as to avoid unnecessary dispute and quarrel and he has also paid necessary charges for the same. Since no action was taken, the petitioner has filed this Writ Petition for the above relief.

3. Heard the learned counsel for the petitioner. The learned Government Advocate, who took notice for the respondents, vehemently opposed for grant of such a direction sought for by the petitioner. Learned Government Advocate further stated that the representation was made only six days earlier, i.e. on 04.02.2016 and moreover, the petitioner has not given any particulars as to who are the persons who threatened him by claiming title over his property. He further contended that the said representation is bereft of particulars with regard to the names of the persons who threatened the petitioner, and therefore, the learned Government Advocate submitted that the Writ Petition is liable to be dismissed.

4. Irrespective of the submissions made by the learned counsel on either side and without going into the merits of the claim of the petitioner, I am of the opinion that appropriate direction shall be issued to the first respondent, since the petitioner has only requested to measure/survey his property. Accordingly, the petitioner is directed to give a fresh representation to the first respondent, within a period of two weeks from the date of receipt of a copy of this order, by enclosing a copy of this order and also furnishing all particulars including the names of the persons who are claiming title over the petitioner's property. On receipt of such representation, the first respondent is directed to pass appropriate orders, after giving an opportunity of hearing to the petitioner and necessary parties and dispose of the said representation, on merits and in accordance with law, within a period of eight weeks thereafter.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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Copy to

1. The Thasildar,
Kallakurichi Taluk Office,
Kallakurichi, Villupuram District.
2. The Head Surveyor,
Head Surveyor Office,
Kallakurichi, Villupuram District.
3. The Village Administrative Officer,
Village Administrative Office,
Siruvangur Village & Post,
Kallakurichi Taluk,
Villupuram District.

+1 cc to Mr.K.Jayakumar, Advocate, sr.8922
+1 cc to M/s.Government Pleader, sr.9082

W.P.No.5134 of 2016

cnr co
kra 18.02.2016

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