

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6977 of 2016

M.Gunasekaran

... Petitioner

Vs.

1.The Tahsildar
Dharapuram Taluk,
Tiruppur District.

2.Taluk Surveyor
Dharapuram Taluk,
Tiruppur District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents 1 and 2 to survey the land of the petitioner comprised in Old.S.No.725/A, 725/D, New Survey No.889/1,4 in Punjaithalaiyur Village of an extent of 1.85 acres as per the petitioner's application dated 17.08.2015.

For Petitioner : Mr.M.Balasubramanian

For respondents : Mr.S.V.Durai Solaimalai,
Additional Government Pleader

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of mandamus to direct the respondents 1 and 2 to survey the land of the petitioner comprised in Old.S.No.725/A, 725/D, New Survey No.889/1,4 in Punjaithalaiyur Village of an extent of 1.85 acres as per the petitioner's application dated 17.08.2015.

3.The petitioner is the absolute owner of agricultural punja land and house along with Electricity connection and 3.HP.Motor comprised in Old.S.No.725/A, 725/D, New survey No.889/1, 2, 3, 4, 6 in Punjaithaliyur Village of an extent of 1.85 acres having

purchased the same out of his own earnings under the sale deed dated 05.02.2003 in Doc.No.104 of 2003, thereafter, the petitioner was in possession and enjoyment, by cultivating the said lands.

4.The petitioner submitted application dated 17.08.2015 before the first respondent through the second respondent to survey the land and for fencing in and around the property and fix a boundary stone, to prevent third party encroachment. The petitioner has also paid necessary charges for surveying the land. But till date no action has been taken to survey the land, hence, the petitioner filed the present writ petition.

5.Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader who accepts notice on behalf of the respondents.

6.Considering the facts and circumstances, this Court, without going into the merits of the same, directs the first respondent to consider the petitioner's representation dated 17.08.2015 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the other necessary parties, if any.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar
Dharapuram Taluk,
Tiruppur District.

2.The Taluk Surveyor
Dharapuram Taluk,
Tiruppur District.

+1cc to Mr.M.Balasubramanian, Advocate, S.R.No.11854

+1cc to the Government Pleader, S.R.No.12190

W.P.No.6977 of 2016

SAI (CO)
CA(15/03/2016)