

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7661 of 2016

V.Venkatrao

... Petitioner

Vs.

- 1.The Tahsildhar,
Poonamallee Taluk,
Poonamallee, Tiruvallur District.
- 2.G.Raghupathy
- 3.G.Vijayakumar
- 4.A.Sivagami

.... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st respondent to survey and demarcate the property of the petitioner situated at No.6/172, Avadi Main Road, Senneerkuppam, comprised in new survey No.135/18A, under patta no.499A, situated at Senneerkuppam Village, Poonamallee Taluk, Tiruvallur District measuring an extent 2437.5 sq.ft, based on the representation dated 23.02.2016 given by the petitioner, within a reasonable time as may be fixed by this court.

For Petitioner : Mr.N.Anand Venkatesh

For R1 : Mr.S.Navaneethan, AGP

सत्यमेव जयते

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to survey and demarcate his property situated at No.6/172, Avadi Main Road, Senneerkuppam, comprised in new survey No.135/18A, under patta no.499A, measuring an extent of 2437.5 sq.ft, based on his representation dated 23.02.2016 within a reasonable time fixed by this court.

2. It is the case of the petitioner that his father by name K.Varatharajalu was given a natham land comprised in Old S.No.82/1, New Survey No.135/18, Senneerkuppam Village, formerly Sriperumbudur Taluk, presently Poonamallee Taluk measuring an extent of 440 sq.mt by way of assignment and patta no.499 was given to the same by the Revenue authorities in the year 1996. His father was in possession and enjoyment of the said property till his life time. Thereafter, the petitioner and his mother and sisters have been in possession and enjoyment of the same and they have also obtained patta after sub division, under patta No.499A in respect of their property comprised in Old S.No.82/1 Part, New S.No.135/18A, measuring an extent of 220 sq.mt (2437.5 sq.ft). While so, his mother and sisters executed a release deed in respect of their respective shares of the property measuring an extent of 2437.5 sq.ft in Old S.No.82/1 Part, New S.No.135/18A, Senneerkuppam Village under patta no.499 in favour of the petitioner vide Doc. No.14283 of 2007 dated 12.12.2007 on the file of SRO, Kunrathur. Since then, he has been in absolute possession and enjoyment of the property in question.

3. Now, the grievance of the petitioner is that respondents 2 to 4, who are his neighbours, are creating dispute over the extent and boundaries of his property. Hence, he gave a representation dated 23.02.2016 to the first respondent, requesting them to measure and demarcate his property by putting up boundary stones. However, till date, no action has been taken by the first respondent. Therefore, the petitioner is before this Court with the present writ petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the first respondent.

5. Considering the facts and circumstances of the case, this Court directs the first respondent to conduct enquiry on the representation of the petitioner dated 23.02.2016, by affording an opportunity of personal hearing to the petitioner as well as to respondents 2 to 4 and other necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

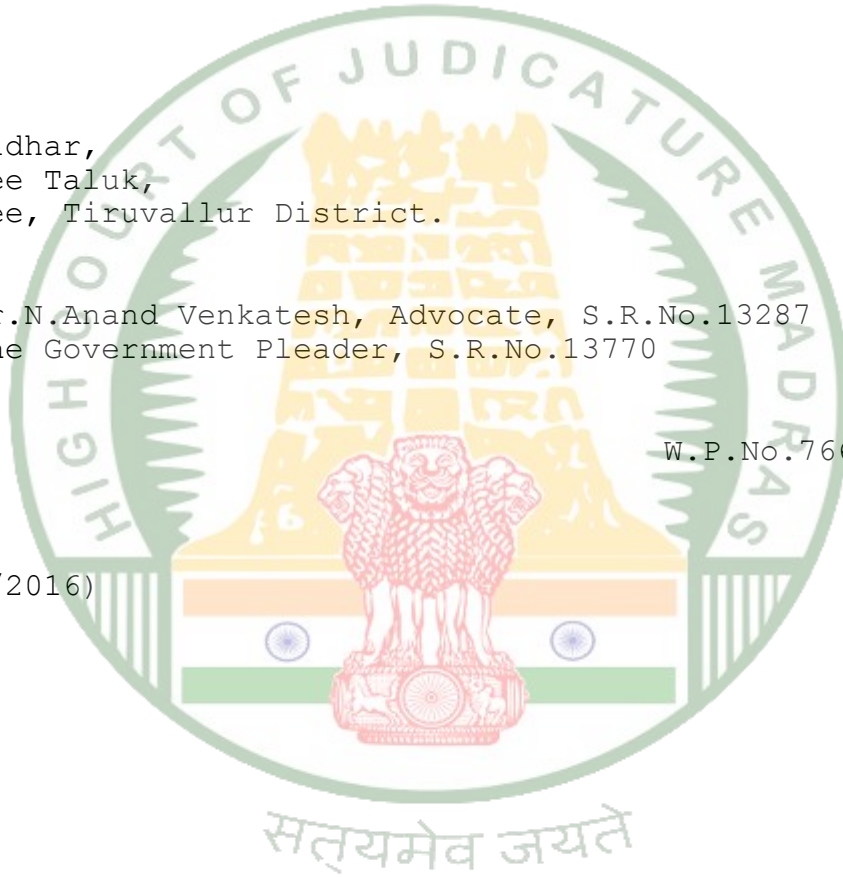
To

The Tahsildhar,
Poonamallee Taluk,
Poonamallee, Tiruvallur District.

+1cc to Mr.N.Anand Venkatesh, Advocate, S.R.No.13287
+1cc to the Government Pleader, S.R.No.13770

W.P.No.7661 of 2016

ppa (CO)
srg (31/03/2016)



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