

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8555 of 2016

N.Krishnamoorthy

... Petitioner

vs.

1.The Head Surveyor,
Tiruchengode Taluk Office,
Tiruchengode Taluk,
Namakkal District.

2.The Town Surveyor,
Tiruchengode Municipality,
Tiruchengode Taluk,
Namakkal District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to measure the entire property of an extent of 1605.50 sq.ft. in TSLR No.13/1, Block-10, Ward-F, Tiruchengode Village, Tiruchengode town, by considering the petitioner's representation dated 16.12.2015.

For Petitioner : Mr.MA.P.Thangavel

For Respondents : Mrs.P.Rajalakshmi,
Govt. Advocate.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to measure the entire property of an extent of 1605.50 sq.ft. in TSLR No.13/1, Block-10, Ward-F, Tiruchengode Village, Tiruchengode Town, by considering his representation dated 16.12.2015.

3. It is the case of the petitioner that he inherited the property measuring to an extent of 1605.50 sq.ft. in TSLR No.13/1, Block-10, Ward-F, Tiruchengode Village, Tiruchengode Town, from his father late R.Natesan and he is enjoying the same without any hindrance from anybody. Due to love and affection with his only son, the petitioner and her daughter executed a release deed dated 31.12.2014 vide document No.8462 of 2014 on the file of Sub Registrar, Tiruchengode relating to the said property and from the date of release deed, his son is the absolute owner of the said property and he is enjoying the same and the revenue records were also mutated in the name of his son. When the petitioner tried to fence the said property to safeguard the same, some third parties with political influence, had illegally obstructed the same. Hence, the petitioner made a detailed complaint dated 18.9.2015 to the police officials seeking police protection. Since the said complaint was not considered, he approached this Court by filing a petition in Crl.O.P.No.25255 of 2015 seeking a direction to the respondent police to provide adequate police protection to the life of the petitioner as well as to fence the said property. Thereafter, his son applied for sub division of his property and also to issue patta on 2.7.2015 to the Tahsildar, Tiruchengode by paying necessary charges. However, based on the wrong report submitted by the Town Surveyor, Tiruchengode, the Tahsildar, Tiruchengode, by order dated 30.9.2015, refused the request for sub division of the property and for issuance of patta. In the meanwhile, this Court, by an order dated 26.11.2015 in Crl.O.P.No.25255 of 2015, directed the petitioner to give a representation to the second respondent and on receipt of the same, the second respondent was directed to conduct an enquiry by affording an opportunity of hearing to the parties concerned and pass appropriate orders on merits and in accordance with law. After receipt of the said order, the petitioner submitted a detailed representation dated 16.12.2015 to the respondents to measure the property. But, till date, no action was taken on the said representation. Hence, the petitioner has come up with the present writ petition seeking a direction to the respondents to measure the entire property of an extent of 1605.50 sq.ft. in TSLR No.13/1, Block-10, Ward-F, Tiruchengode Village, Tiruchengode Town, by considering his representation dated 16.12.2015.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 16.12.2015 and pass appropriate orders / take appropriate action, on merits and in accordance with law,

by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The Head Surveyor,
Tiruchengode Taluk Office,
Tiruchengode Taluk,
Namakkal District.

2.The Town Surveyor,
Tiruchengode Municipality,
Tiruchengode Taluk,
Namakkal District.

+1 cc to M/s.MA.P.Thangavel Advocate sr.17233

+1 cc to Government Pleader sr.17367

सत्यमेव जयते

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