



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.06.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.VENUGOPALW.P (MD) No.10314 of 2016

V.Kasimayan

..Petitioner

Vs

1.The Tahsildar,
Andipatti Taluk,
Theni.

2.The Head Surveyor,
Andipatti Taluk,
Andipatti, Theni.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to measure the Petitioner's property in S.No.394-A2A of Shanmugasundarapuram village of Andipatti Taluk and issue separate patta by sub-dividing the property within the time frame fixed by this Court.

For Petitioner :M/s.Lakshmi Gopinathan

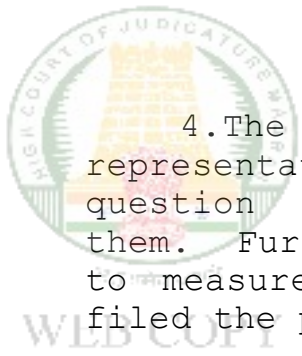
For Respondents :Mr.J.Gunaseelan Muthiah
Govt.Advocate.

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.According to the Petitioner, the land in S.No.394-A2A measuring an extent of 57.3/4 cents in Shanmugasundaram Village of Andipatti Taluk was purchased by his grand-father Periasamy by way of registered Sale deed in the year 1973 itself(vide Document No.739 of 1973). From the date of said purchase, his grand-father was in possession and after his demise, his wife Pappathy and their two children Virumandi and Pechiammal had inherited the property on date, the Petitioner is taking care of the property on behalf of the entire family members.



4.The grievance of the Petitioner is that he made several representations to the respondents to sub -divide the property in question after measuring the same and for issuance of patta to them. Further, the respondents have not taken any positive steps to measure the property in question. Hence the Petitioner has filed the present Writ Petition before this Court.

5.In view of the fact that the Petitioner's representation, dated 15.4.2016 is pending before the Second Respondent without any progress till date, this Court, at this stage, without traversing upon the merits of the contents of the representation of the Petitioner, dated 15.4.2016, to promote substantial cause of justice, directs the Second Respondent/The Head Surveyor, Andipatti Taluk, Andipatti, Theni District to look into the representation of the Petitioner, dated 15.4.2016 with an open, free, fair and unbiased mind and that too, in a dispassionate manner and to dispose of the said representation by passing a reasoned speaking order on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit) within a period of six weeks from the date of receipt of a copy of this order. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Second Respondent/The Head Surveyor, Andipatti Talluk, Andipatti, Theni District and on production of the same, he is at liberty to look into the same and pass necessary orders in the subject-matter in issue within the time adumbrated by this Court.

6.With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1.The Tahsildar, Andipatti Taluk, Theni.

2.The Head Surveyor,

Andipatti Taluk, Andipatti, Theni.

+one cc to M/s.Polax Legal Solutions, Advocate, SR.No.29908

+One cc to The Special Government Pleader, SR.No.29814

vsn

RL/5C/2P/SKS/RR/20/6/2016

W.P (MD) No.10314 of 2016