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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.10395 of 2016

Rajeswari

..Petitioner

Vs

1.The Commissioner,
Corporation of Madurai,
Anna Maaligai,
Madurai - 625 002.

2.The Town Sub-Inspector of Survey,
Zone-I,
Madurai Corporation,
Madurai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to survey the Petitioner's property situated in T.S.No.74, Block No.95, Ponmeni Village, Madurai by considering the Petitioner's representation dated 28.3.2016.

For Petitioner :M/s.K.Ilayaraja

For Respondent-1 :Mr.R.Prabhu Ramachandran

ORDER

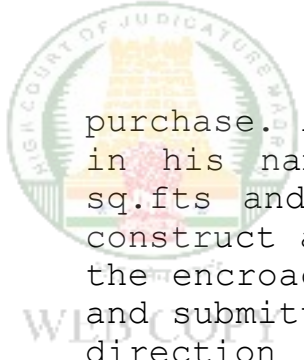
Heard both sides.

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

3.According to the Petitioner, he purchased a landed property situated at T.S.N o.74, Block No.95, in Ponmeni Village, Madurai and soon after the said purchase, he made an application before the First Respondent/The Commissioner, Corporation of Madurai, Anna Maaligai, Madurai, to survey the property.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The stand of the Petitioner is that he is in peaceful possession and enjoyment of the property ever-since the date of



purchase. All the revenue records concerning the property stands in his name. The land in question measures an extent of 2668 sq.fts and it is not in the usual shape. Hence he wants to construct a compound wall around the property in order to prevent the encroachers. On 28.3.2016, he approached the First Respondent and submitted an application to survey his property and as per the direction given by the First Respondent/The Commissioner, Corporation of Madurai, Madurai, he paid the necessary fees. However, the First Respondent has not surveyed his land till now and replied that his representation along with his application are forwarded to the Second Respondent/The Town Sub-Inspector of Survey, Zone-I, Madurai Corporation, Madurai.

4. In view of the fact that the Petitioner's representation, dated 28.3.2016 is pending as on date, without any disposal, at this stage, this Court, without expressing any opinion on the merits and contents of the representation so made, in the interest of justice and fair play, directs the Second Respondent to look into the representation of the Petitioner, dated 28.3.2016 within a period of three days from the date of receipt of a copy of this order. Thereafter, the Second Respondent is directed to pass a reasoned speaking order on merits by following the principles of natural justice and after providing necessary opportunity to the Petitioner in the manner known to law and in accordance with law. It is needless for this Court to make a significant mention that the second Respondent to dispose of the representation of the Petitioner, dated 28.3.2016 within a period of two weeks thereafter.

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

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner, Corporation of Madurai,
Anna Maaligai, Madurai - 625 002.

2. The Town Sub-Inspector of Survey,
Zone-I, Madurai Corporation, Madurai.

+One cc to M/s.R.Prabhu Ramachandran, Advocate, SR.No.30137

+One cc to Mr.K.Ialayaraja, Advocate, SR.No.30141

vsn

RL/5C/2P/KBM/21/6/2016

W.P(MD)No.10395 of 2016