



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 29.07.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.13522 of 2016

S.Kumaresan
2.S.Muthukumar ..Petitioners

Vs

1.The District Collector, Dindigul District.

2.The Tahsildar,
Taluk Office,
Vedasandur,Dindigul District.

3.The Taluk Surveyor,
Taluk Office, Vedasandur Taluk,
Dindigul District ..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 2 and 3 to measure and demarcate the property in accordance with law comprised in S.Nos.812/2, 813/3A, 813/3C, 813/1D, 902/1 which is situate at Palapatti village, Vedasanthur Taluk, Dindigul District by considering the representation of Petitioner, dated 8.7.2016.

For Petitioners :M/s.S.Siva Thilakar

For Respondents :Mr.S.Kumar
Addl.Govt.Pleader

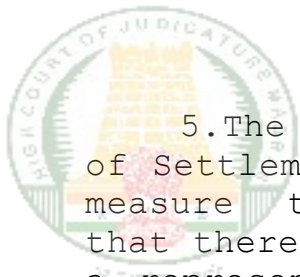
ORDER

Heard both sides.

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

3.No counter is filed on behalf of the Respondents.

4.According to the Petitioners, their father executed a registered Settlement Deed, dated 5.5.2009 bequeathing the property in the first Petitioner's name as well as his brother/Second Petitioner's name. Ever since from the date of execution of the Settlement Deed, the revenue records like Patta, Chitta and Adangal stands in their name and they are in possession and enjoyment of the property in question.



5.The grievance of the Petitioners is that after the execution of Settlement Deed by their father in their favour,they wanted to measure the property for identification because of the reason that there is no fence around the property. Therefore, they made a representation to the Respondents No.2 and 3 to measure and demarcate the property. However measurement was not done properly. Therefore they made a representation dated 8.7.2016 and also paid necessary charges in this regard.

6.The stand of the Petitioner is that unless the measurement is done by Taluk Surveyor with relevant revenue records, their lands may not be identified properly and their interest over the property will be greatly prejudiced.

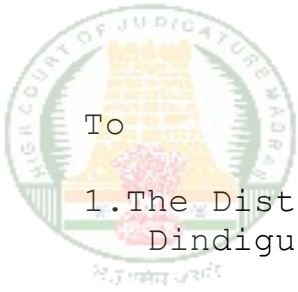
7.Considering the fact that the Petitioners' representation, dated 8.7.2016 is pending on the file of the Second and Third Respondents, till date, without any progress or disposal, at this Stage, this Court, not dwelling deep into the merits and contents of the representation of the Petitioners dated 8.7.2016 and also not expressing any opinion one way or other in the subject-matter in issue, at this stage, this Court, in the interest of justice, directs the Second and Third Respondents to look into the representation of the Petitioner, dated 08.07.2016 within a period of one week from the date of receipt of a copy of this order. Thereafter, the Second and Third Respondents are directed to dispose of the same in a free, fair, unbiased and dispassionate manner, on merits(of course after providing necessary opportunity to the Petitioners and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of three weeks thereafter. It is open to the Petitioners to produce copies of all necessary/relevant documents before the Second and Third Respondents and they in-turn shall take into consideration of the same at the time of disposal of the representation of the Petitioners, dated 8.7.2016. The Petitioners are directed to lend their assistance and co-operation in this regard, to the Second and Third Respondents, in disposing of their representation, dated 8.7.2016, within the time specified by this Court.

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

Sd/-
Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar



To

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Taluk Office,
Vedasandur Taluk,
Dindigul District.

3.The Taluk Surveyor,
Taluk Office,
Vedasandur Taluk,
Dindigul District.

+1cc to Mr.S.Sivathilakar, Advocate SR.No.40857

+1cc to the Special Government Pleader SR.No.40896

vsn

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