



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.13631 of 2016

M.Kather Meera

..Petitioner

Vs

1.The Tahsildar, Kadaladi Taluk,  
Kadaladi, Ramanathapuram District.

2.The Taluk Surveyor, Kadaladi Taluk,  
Kadaladi, Ramanathapuram District.

3.The Inspector of Police, Valinokkam Police Station,  
Valinokkam,  
Ramanathapuram 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 Second Respondent to survey the land of the Petitioner in S.No.138/W situated at Valinokkam Village, Kadaladi Taluk, Ramanathapuram District and to fix the boundary stones with adequate police protection within the time stipulated by this Court.

|                 |                                             |
|-----------------|---------------------------------------------|
| For Petitioner  | :Mr.I.Pinay Gash<br>for M/s.T.Lajapathi Roy |
| For Respondents | :Mr.S.Kumar<br>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 Petitioner, the subject-matter of the property situated in S.No.138/1W, measuring an extent of 15 acres and 64 cents (being the ancestral property of his family) was



enjoyed by all the joint family members. Because of the property dispute, in the year 2004, a suit in O.S.No.158 of 2004 was filed by one Seiku Mydeen, on the file of the Learned District Munsif, Muthukulathur, seeking the relief of declaration and permanent injunction against the Petitioner and other family members. Later, a compromise was entered into between the parties on 1.4.2016 wherein it was mentioned that 8 acres of land in the western side was allotted to the Plaintiffs and the remaining 7 acres and 64 cents in the eastern side was allotted to the defendants.

5.The specific case of the Petitioner is that he had paid the necessary survey fees to survey his land in S.No.138/1W situate at Valinokkam Village, Kadaladi Taluk, Ramanathapuram District, on the basis of the Judgement and decree passed by the trial Court in O.S.No.158 of 2004, dated 1.4.2016 and also sent a representation to the Respondents 1 and 2 on 14.7.2016 to survey the land in S.No.138/1W. Till date, no action has been taken on the side of the Respondents. Hence the Petitioner has filed the present Writ Petition before this Court.

6.Considering the fact that the Petitioner's representation, dated 14.07..2016 in the subject-matter in issue is pending with the First Respondent/The Tahsildar, Kadaladi Taluk, Kadaladi, Ramanathapuram District, this Court, in the interest of justice, directs the First Respondent to look into the representation of the Petitioner, dated 14.07.2016 within a period of one week from the date of receipt of a copy of this order. Thereafter, the First Respondent is directed to dispose of the same in a free, fair, unbiased and dispassionate manner, 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 three weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the First Respondent/The Tahsildar, Kadaladi Taluk, Kadaladi, Ramanathapuram District, and the First Respondent in-turn shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 14.07.2016. The Petitioner is directed to lend his assistance and co-operation in this regard, to the First Respondent, in disposing of his representation, dated 14.07.2016, within the time specified by this Court.

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

Sd/-

Assistant Registrar (AE)



vsn

To

1.The Tahsildar, Kadaladi Taluk,  
Kadaladi, Ramanathapuram District.

2.The Taluk Surveyor, Kadaladi Taluk,  
Kadaladi, Ramanathapuram District.

3.The Inspector of Police, Valinokkam Police Station,  
Valinokkam, Ramanathapuram District

+1CC to Mr.T.Lajapthi Roy, Advocate Sr.No.41172

+1CC to Spl.Government Pleader Sr.No.41198

GJM/NGM/MP/8.8.16-3p-6c

**W.P(MD)No.13631 of 2016**  
**01.08.2016**