



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.08.2016

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WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.15162 of 2016

C.Pandithurai

..Petitioner

Vs

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam,
Theni District.

3.The Commissioner,
Chinnamanur Municipality,
Theni District.

4.The Head Surveyor,
Uthamapalayam Taluk Office,
Theni 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 to conduct survey and measurement of the Petitioner's properties as per his title documents comprised in T.S.Nos.9/4, 14/6, 12/1, 11/2, 13/3, 13/4, 16/8 and 15/10 situated in Ward -D, Block-29, Karungattankulam Village, Chinnamanur Municipality, Uthamapalayam Taluk, Theni District as per the applications dated 11.4.2016 and 20.6.2016 given to the Respondents 1 and 4 respectively, within a reasonable time.

For Petitioner	:M/s.K.Appadurai
For Respondents	:Mr.J.Gunaseelan Muthiah
1,2 and 4	Govt.Advocate
For Respondent-3	: Mr.M.Karuppasampandian

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, he is entitled to survey and measurement of his properties purchased by him and in the name of his wife as per the provisions of Section 5(3) of the Tamil Nadu Patta Pass-Book Act and the Rules made thereunder. In this regard, the Petitioner submitted an application on 28.7.2015 to the Third Respondent to survey and measure the aforesaid properties as per his title deeds to fix his boundaries in accordance with Law. He had also paid necessary charges and the Third Respondent also issued Receipt therefor. But subsequently, there was no survey or measurement.

5.The stand of the Petitioner is that he had submitted another application to the Fourth Respondent on 20.6.2016 for survey and measurement of his properties as per his title documents. He had paid necessary charges for the same. Despite the same, it is represented on behalf of the Petitioner that the Fourth Respondent/The Head Surveyor, Uthamapalayam Taluk Office, Theni District had failed to conduct survey and measurement of his properties. On enquiry, he was shocked to know that some adjacent land owners have objected to the Respondents 3 and 4 for conducting survey and measurement of his properties.

6.At this stage, the Learned Government Advocate appearing for the Respondents 1,2 and 4 brings it to the notice of this Court that the Office of the Zonal Deputy Inspector of the Second Respondent/The Tahsildar, Uthampalayam Taluk, Theni District had issued a memo, dated 20.6.2016 requiring the Petitioner to appear on 28.6.2016 at 11.00 a.m with necessary parent documents for the purpose of enquiry. As a matter of fact, it appears that a copy of the said memo was addressed to one Anbuselvam and others also. It is also represented on behalf of the Respondents 1,2 and 4 that next date of enquiry is not fixed.

7.Considering the fact that the Petitioners applications, dated 11.4.2016 and 20.6.2016 addressed to the Respondents 1 and 4 are pending consideration till date without any significant progress or disposal, at this stage, this Court simpliciter directs the Respondents 2 to 4 to fix a fresh date of enquiry in the subject-matter in issue within the period of two weeks from the date of receipt of a copy of this order. After fixing the date of hearing, it is open to the Respondents 2 to 4 to proceed further in the manner known to Law and in accordance with Law to do the needful to in favour of the Petitioner by following the Rules and Regulations scrupulously in force from time to time. The Petitioner is directed to submit necessary/relevant documents before the Respondents 2 to 4 and the said Respondents shall take into consideration of the same at the time of disposal of the representations of the Petitioner, dated 11.4.2016 and 20.6.2016.



The Petitioner is directed to lend his assistance and cooperation to the Respondents No.2 to 4 in disposing of his representations dated. 11.4.2016 and 20.6.2016 within the time fixed by this Court, as stated supra.

8. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Theni District.

2. The Tahsildar,
Uthamapalayam,
Theni District.

3. The Commissioner,
Chinnamanur Municipality,
Theni District.

4. The Head Surveyor,
Uthamapalayam Taluk Office,
Theni District.

+1 cc to Special Government Pleader Sr.No.45356

+1 cc to M/S.K.APPA DURAI, Advocate Sr.No.45528

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SMA/CK/29/08/2016 :3P/7C