



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.16605 of 2016

T.Thalavaisamy

.. Petitioner

Vs.

1.The Assistant Commissioner,
Tiruneveli Corporation,
Melapalayam Region,
Tirunelveli.

2.The Surveyor,
Melapalayam,
Tirunelveli.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to survey and demarcate the property in S.Nos.517, 518, 519, Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli District in consideration of the Petitioner's application dated 20.10.2015.

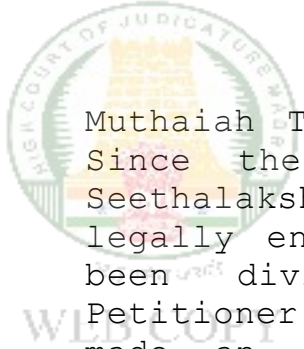
For Petitioner	: M/s.R.Maheswaran
For Respondents	: Mr.Aayiram K.Selvakumar Govt.Advocate

O R D E R

Mr.R.Aayiram K.Selvakumar, learned Government Advocate takes notice for the respondents and by consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2.The Petitioner has come to this Court with a limited prayer praying for issuance of a Writ of Mandamus directing the respondents to survey and demarcate the property in S.Nos.517, 518, 519, Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli District in consideration of the Petitioner's application, dated 20.10.2015.

3.It is the case of the Petitioner that one Pitchaikarammal purchased the lands governed in S.Nos.517, 518, 519, Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli District by way of registered sale deed, dated 04.01.1919 in Document No.243 of 1919. Subsequently, she has also executed a sale deed in favour of her son Muthaiah Thevar on 23.02.1943 bearing Document No.777 of 1943. When the Muthaiah Thevar enjoyed the property along his four daughters namely Ramu Ammal, Seethalakshmi, Muthammal and Krishnammal, due to passage of time,



Muthaiah Thevar and his four daughters died on various dates. Since the Petitioner is the son of the second daughter Seethalakshmi, he has inherited the property to the extent he is legally entitled to. Therefore, when the entire lands have not been divided and demarcated, it has become difficult for the Petitioner and other co-sharers to enjoy the same. Therefore he made an application for demarcation and sub-division on 20.10.2015. The said representation has not been considered so far. The Petitioner has also paid the necessary fees. Therefore the Petitioner has filed the present Writ Petition for the relief stated supra.

4. Since the representation of the Petitioner dated 20.10.2015 is pending on the file of the first respondent/The Assistant Commissioner, Tirunelveli Corporation, Melayapalayam Region, Tirunelveli, he is directed to consider the pending representation and to do the needful. It is open to the Petitioner to produce all relevant records/documents to the first respondent so as to enable him to dispose of his representation at an early date. The said exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. It is open to the respondents to issue notice to affected parties, if any, before undertaking the exercise of survey and demarcation of the Petitioner's property as stated supra.

5. With the above direction and observation, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1. The Assistant Commissioner,
Tirunelveli Corporation,
Melapalayam Region,
Tirunelveli.

2. The Surveyor,
Melapalayam, Tirunelveli.

+1cc to Mr.R.Maheswaran, Advocate SR.No.49638

+1cc to Mr.Ayiram K.Selvakumar, Advocate SR.No.50102

vsn

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