



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.9658 of 2016

A.Arulappan

..Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

3.The Taluk Surveyor,
Vedasandur,
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 to survey the Petitioner's lands and fix boundary stones in respect of Survey No.157, situated at Morpatti Village, Vedasandur Taluk, Dindigul District within a time frame to be fixed by this Court.

For Petitioner :M/s.S.Sivakumar

For Respondents :Mr.J.Gunaseelan Muthiah
Govt.Advocate

ORDER

Heard both sides.

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

3.According to the Petitioner, he purchased the landed property in S.NO.157, situated at Morpatti Village, Vedasandur Taluk, Dindigul District, measuring an extent of 2,200 sq.ft by means of registered sale deed, dated 25.11.1998, vide document No.1988/1999 from its lawful owners. From the date of purchase, he is in possession and enjoyment of the property in question with absolute rights. Indeed, the Petitioner gave the land measuring an extent of 144 s.meters for the extension of N.H.45 to the Government and the remaining portion of the land is in his possession.

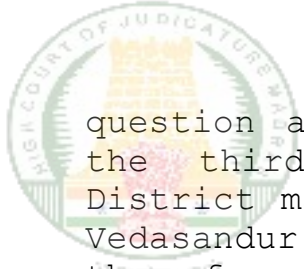


4.The grievance of the Petitioner is that the property in question together with other neighboring lands constitute a single block. As a matter of fact, to enjoy the same without any hindrance, it is necessary to clearly demarcate the property and fix the boundary stones. Therefore, he preferred a representation to the second respondent on 17.08.2015 in person. He had paid the fee for measuring the land in the account of the Treasury. He also made another representation to the first respondent/The District Collector, Dindigul District on 21.09.2015 in person. However, till date, no action is taken in the subject-matter in issue. Apart from that, he made representation to the respondents on 4.4.2016, through registered post and the same was received by the respondents. Till now, that representation has not been considered by the concerned authorities. Hence, the Petitioner is constrained to file the instant Writ Petition.

5.It comes to be known that the Petitioner had addressed a representation dated 17.8.2015 to the second respondent/The Tahsildar, Vendasandur Taluk, Dindigul District to measure the remaining portion of the land in S.No.157/1B,157/1C at Morpatti Village. Barring 3 ½ cents taken over by the Government for the purpose of 'Highway', the remaining portion of the land in possession of the Petitioner is to be measured as per the request made by the Petitioner. Subsequent to the representation dated 17.08.2015, the Petitioner is perforced to address another representation, dated 21.09.2015 and 4.4.2016 to the respondents 1 to 3 making a request to measure the land in question.

6.It is to be noted that there is no dispute in regard to the fact that the Petitioner had paid the requisite fee for measuring the land in question. What remains to be done by the respondents/concerned authorities is to consider the representations of the Petitioner, dated 17.8.2015, 21.09.2015 and 4.4.2016 in a dispassionate and objective passion and to do the needful in favour of the Petitioner in the subject-matter in issue.

7.Inasmuch as the representations of the Petitioner beginning from 17.8.2015 till 4.4.2016 have not met with any positive response in the hands of the respondents, in question, this Court, in the interest of justice, Fair Play, Equity, Good Conscience and even as a matter of prudence, directs the second respondent/The Tahsildar, Vendasandur Taluk, Dindigul District to look into the representations of the Petitioner dated 17.8.2015, 21.09.2015 and 4.4.2016 respectively and to pass necessary speaking order in the subject-matter in issue by affording necessary opportunity to the Petitioner and others. If the second respondent/The Tahsildar, Vendasandur Taluk, Dindigul District resultant conclusion that the Petitioner's representations dated 17.08.2015, 21.09.2015 and 4.4.2016 deserves consideration, then he may direct the measurement of the land in



question and in this regard, the assistance and co-operation of the third respondent/The Taluk Surveyor, Veda sandur, Dindigul District may also be taken. The second respondent/The Tahsildar, Veda sandur Taluk, Dindigul District is to pass necessary orders on the aforesaid representations made by the Petitioner within a period of ten days from the date of receipt of a copy of this order. It is made clear that the Petitioner is also directed to lend his assistance and co-operation to the second respondent/The Tahsildar, Veda sandur Taluk, Dindigul District in carrying out the task of measuring the land in question with the assistance of the concerned authorities. Liberty is also granted to the Petitioner to furnish necessary documents like sale deed etc to render a helping hand to the second respondent/The Tahsildar, Veda sandur Taluk, Dindigul District in arriving at a decision as regards the representations submitted by the Petitioner.

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

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
Veda sandur Taluk,
Dindigul District.

3. The Taluk Surveyor,
Veda sandur,
Dindigul District.

+1cc to M/s. S. Sivakumar, Advocate in SR.27462

W.P (MD) No. 9658 of 2016
02.06.2016

vsn

PBK/AAL-MPA/SAR-II 02/06/2016 :: 3P-5C:: (IT)