

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.6035/2017

R.Karthikeyan

.. Petitioner

Versus

The Tahsildar
Tiruvallur Taluk,
Tiruvallur District.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to dispose of the petitioner's representation dated 30.12.2016 pertaining to measure the land in Survey No.74 and 76 in Kizhanur village, Tiruvallur Taluk and to demarcate the same by metes and bounds and to lay stones.

For Petitioner : Ms.S.Suganya Sri
For Respondent : Mr.Era.Premnath, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.Era.Premnath, learned Government Advocate accepts notice on behalf of the respondent.

2 The petitioner claims to be the absolute owner of the property, admeasuring to an extent of 1 acre and 24 cents comprised in S.No.76, situate at Kizhanur Village, Tiruvallur Taluk and District and is also the owner of the lands admeasuring to an extent of 0.08 cents in S.No.74/2, 0.05 ½ cents in S.No.74/3 and 0.02 cents in S.No.74/4 [totalling to 0.15 ½ cents] and totally admeasuring to an extent of 1 acre and 39 ½ cents and he claims the ownership by virtue of the registered Sale Deed bearing Doc.No.12866/2015 dated 18.11.2015. The petitioner claims to have obtained patta Nos.752 and 782 in his name and also Chitta and Adangal for the said properties and also paid the statutory levies regularly without any default. The petitioner submitted an application dated 09.05.2016 praying for demarcation of the property in S.Nos.74 and 76 and also paid the prescribed fees on the same date and since no steps have been taken to survey the property, the petitioner has submitted a representation dated 30.12.2016 to

the respondent and it was acknowledged on 02.01.2017 and since no orders have been passed, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that once the fees is accepted for measurement and demarcation of the

properties, an obligation is cast upon the respondent as well as the jurisdictional Surveyor, to take necessary further steps and since they have failed to do so, the petitioner is constrained to approach this Court, by filing the present writ petition.

4 The Court heard the submissions of Mr.Era.Premnath, learned Government Advocate appearing for the respondent and also perused the materials placed before it.

5 It is to be pointed out at this juncture that once the prescribed fees is received, an obligation is cast upon the respondent as well as the jurisdictional Surveyor to take necessary further steps to measure and demarcate the lands and however, in the case on hand, they have failed to do so.

6 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondent as well as the Taluk Surveyor to take necessary steps on the petitioner's application dated 09.05.2016 submitted for measurement and demarcation of the lands and also his representation dated 30.12.2016.

7 In the result, the writ petition stands disposed of and the respondent as well as the jurisdictional Taluk Surveyor are directed to take necessary steps on the application of the petitioner dated 09.05.2016 and the representation dated 30.12.2016 and after putting the concerned person/s on notice, shall pass appropriate orders on merits and in accordance with law and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the person/s concerned. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Tahsildar
Tiruvallur Taluk,
Tiruvallur District.

2.The Tahsildar, Tiruvallur Taluk,
Tiruvallur District.

Copy to:-
The District Collector,
Tiruvallur District.

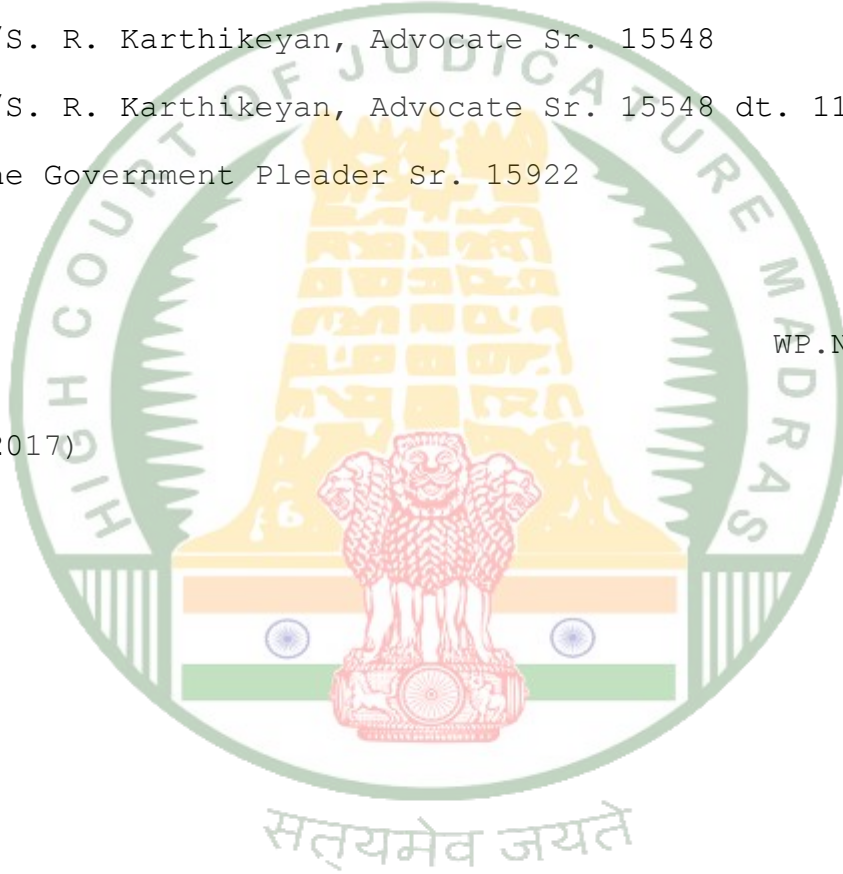
+1cc to M/S. R. Karthikeyan, Advocate Sr. 15548

+1cc to M/S. R. Karthikeyan, Advocate Sr. 15548 dt. 11/04/2017

+1cc to the Government Pleader Sr. 15922

WP.No.6035/2017

NR(CO)
VR(23/03/2017)



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