

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.6590 of 2017

S.Palanisamy

S/o.Sennimalai Gounder.

... Petitioner

Vs.

1.The District Collector,
Tiruppur District,
Trippur.

2.The Thasildhar,
Palladam,
Tiruppur District,
Trippur.

3.Taluk Head Surveyor,
Palladam Taluk,
Trippur Dist,
Trippur.

4.M.Palanisamy.
S/o.Marappa Gounder.

.... Respondents

Prayer : The writ petition filed under Article 226 of the Constitution of India, to issue order or direction specifically writ in the nature of Writ of Mandamus , directing the respondent 2 and 3 to survey, measure and fix the boundaries in the lands situated in S.F.No.451/B in Naranapuram Village, Palladam Taluk, Tiruppur District in the light of the petitioner's representation dated 22.02.2017 within a reasonable time frame as fixed by this Court.

For Petitioners:Mr.K.S.Karthik Raja.

For Respondents:Mr.S.V.Duraisolaimalai.

Addl. Govt. Pleader for R1 to R3.

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner would aver that his father viz., Sennimalai Gounder through a registered settlement deed dated 08.09.1994, had settled the land admeasuring to an extent of 1.90 acres and 0.42 acres in S.F.No.451/1 and 451/2 respectively, situate in Naranapuram Village, Palladam Taluk and claims to be in possession and enjoyment of the same. It is further averred by the petitioner that the fourth respondent had attempted to interfere with the same and therefore, he filed O.S.No.157 of 2007 on the file of the Court of Additional Subordinate Judge, Tiruppur against the fourth respondent praying for an order of ad-interim injunction for putting up a compound wall to park the vehicle and also restraining the 4th respondent/defendant from interfering with his right to take the lorry etc and the suit was decreed on 22.07.2015, and thereafter, the petitioner had made attempt for surveying and measuring the cart track, it was resisted by the fourth respondent and therefore, he filed Crl.O.P.No.9585 of 2016 on the file of this Court praying for police protection to survey and measure the cart track, which is a subject matter of the suit in O.S.No.157 of 2007 on the file of the Court of Subordinate Judge, Tiruppur and this Court, vide order dated 19.01.2017, has taken note of the compromise entered into between him and the fourth respondent, has closed the Crl.O.P.No.9585 of 2016.

3. The learned counsel appearing for the petitioner would submit that since the petitioner has paid necessary prescribed fees etc, there may not be any impediment on the part of respondents 2 and 3 to survey and measure his land and also put up the boundary stones and in this regard, he has also submitted a representation dated 22.02.2017 to respondents 1 to 3 and despite receipt and acknowledgment, so far no orders have been passed and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. This Court heard the submissions of Mr.S.V.Duraisolaimalai, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 3.

5. Though the petitioner prays for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs respondents 2 and 3 to put the fourth respondent on notice and thereafter, consider and dispose of the petitioner's representation dated 22.02.2017, on merits and in accordance with law and pass orders within a period of six 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 fourth respondent.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Tiruppur Dist.
Tiruppur.

2.The Thasildhar,
Palladam,
Tiruppur Dist,
Tiruppur.

3.Taluk Head Surveyor,
Palladam Taluk,
Trippur Dist, Tiruppur.

+1cc to M/S.K.S.Karthik Raja, Advocate SR.16985

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srg 03/04/2017

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