

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.18476 of 2017

Dhanabakkiyam

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Thiruvallur District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ponneri, Thiruvallur District - 601 204.
3. The Tahsildar,
Office of the Tahsildar,
Ponneri, Thiruvallur District - 601 204.
4. The Assistant Director (Surveys),
Office of the District Collector,
Thiruvallur District.
5. The Chief Surveyor,
Office of the Tahsildar,
Gummudipoondi Taluk,
Thiruvallur District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to dispose of the representation dated 13.07.2016.

For Petitioner : Mr.D.Dayanithi
For Respondents: Mr.R.Rajeswaran,
Special Government Pleader

O R D E R

Mr.R.Rajeswaran, learned Special Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal in the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondents to dispose of the representation dated 13.07.2016.

3.It is brought to the notice of this Court that there is a Civil Suit pending between the petitioner and others in O.S.No.69 of 2017 on the file of the District Munsif Court, Ponneri for partition.

4.The learned counsel for the petitioner submitted that pursuant to the preliminary decree passed in O.S.No.69 of 2007, the petitioner has filed a final decree application in I.A.No.383 of 2011 and an Advocate Commissioner was appointed by the trial Court to divide the suit property. Further, the learned counsel submitted that since the property was not demarcated, the Advocate Commissioner is not in a position to divide the property.

5.Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents submitted that the petitioner may be directed to file appropriate application before the trial Court seeking for a direction to the Tahsildar to depute a Taluk Surveyor to measure and demarcate the property.

6.In view of the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I give liberty to the petitioner to file appropriate application before the District Munsif Court, Ponneri in I.A.No.383 of 2011 in O.S.No.69 of 2007 seeking for a direction to the Tahsildar to depute a Taluk Surveyor to measure and demarcate the suit property, enabling the Advocate Commissioner to divide the suit property pursuant to the preliminary decree passed in O.S.No.69 of 2007.

7.With these observations, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar (CS-VI)

True Copy
सत्यमेव जयते
Sub-Assistant Registrar

va

To

1. The District Collector,
Office of the District Collector,
Thiruvallur District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ponneri, Thiruvallur District - 601 204.

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3. The Tahsildar,
Office of the Tahsildar,
Ponneri, Thiruvallur District - 601 204.

4. The Assistant Director (Surveys),
Office of the District Collector,
Thiruvallur District.

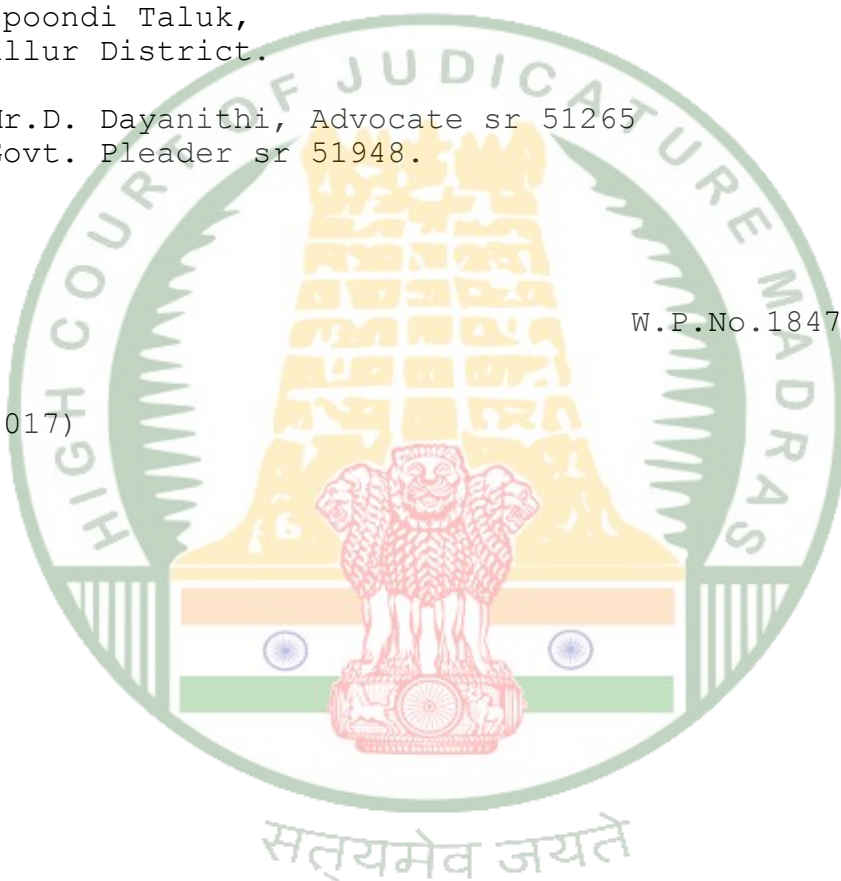
5. The Chief Surveyor,
Office of the Tahsildar,
Gummudipoondi Taluk,
Thiruvallur District.

+1 CC to Mr.D. Dayanithi, Advocate sr 51265

+1 CC to Govt. Pleader sr 51948.

W.P.No.18476 of 2017

SP(01/08/2017)



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