



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.14168 of 2017

WEB COPY

P. Alagarsamy @ Alagumalai

.. Petitioner

Vs.

1. The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Tallakulam, Madurai.

2. The Town Surveyor,
Town Planning Section,
Madurai Corporation,
Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to give appropriate directions to the second respondent to measure and demarcate the lands in Survey No.11/2B having an extent of situate at Bibikulam Village, North Taluk, Chokkikulam Sub Division, Madurai Corporation, Madurai on the basis of the representation of the petitioner dated 01.07.2017.

For Petitioner : Mr.S.Thangaraj

For Respondents : Mr.N.Shanmugaselvam

ORDER

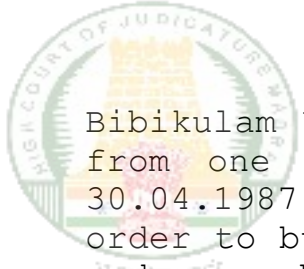
This writ petition is filed seeking a writ of Mandamus to direct the first respondent to give appropriate directions to the second respondent to measure and demarcate the lands in Survey No.11/2B to an extent of 625 square feet, situate at Bibikulam Village, North Taluk, Chokkikulam Sub Division, Madurai Corporation, Madurai, based on the petitioner's representation dated 01.07.2017.

2. Mr.N.Shanmugaselvam, learned counsel takes notice for the respondents.

3. By consent of both the parties, this writ petition is taken up for hearing at the stage of admission itself.

4. Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>
5. The case of the petitioner is that he purchased a land in Survey No.11/2B, to an extent of 625 Square feet, situate at



Bibikulam Village, North Taluk, Chokkikulam Sub Division, Madurai from one Rameeja Begum through a registered sale deed, dated 30.04.1987 and he is in possession and enjoyment of the same. In order to build a house, he applied for measurement of the property and accordingly the second respondent measured the same, during which, the second respondent rejected his claim on the ground that two suits are pending before the Civil Court with regard to the property. According to the petitioner, the said suits are not related to the property of the petitioner. Since, the respondents have not considered his claim for measurement of his property, the petitioner is before this Court.

6.The learned counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 01.07.2017, is disposed of by the first respondent as per law.

7.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the first respondent to consider the representation of the petitioner dated 01.07.2017, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner and also after giving due notice afresh to the objector, if any, within a period of six weeks from the date of receipt of a copy of this order. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

8.The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Tallakulam, Madurai.
- 2.The Town Surveyor,
Town Planning Section,
Madurai Corporation,
Madurai.

+1cc to Mr.N.Shanmugaselvam, Advocate, SR.68833

+1cc to Mr.S.Thangaraj, Advocate, SR.69239

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31.07.2017