



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.16133 of 2017

R.Lingammal

... Petitioner

Vs.

1.The Assistant Director of Land Survey,
Collectorate,
Theni,
Theni District - 625 512.

2.The Head Surveyor,
Thasildar Office Campus,
Andipatti,
Andipatti Taluk,
Theni District - 625 512.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd Respondent to survey and mark the boundaries of the petitioner's land situated in Survey Number:207/1B1 Mayandipatti, Kanniyappapillaipatti Village, Andipatti Taluk, Theni District based on the application dated 04.04.2016 and the subsequent representation dated 02.08.2017.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus directing the second respondent to survey and mark the boundaries, based on his application as well as representation dated 04.04.2016 and 02.08.2017, respectively.

2. Mr.A.Muthukaruppan, learned Additional Government Pleader, takes notice for the respondents.

<https://hcservices.courts.gov.in/hcservices/>
3. By Consent, this writ petition is taken up for disposal, at the admission stage itself.



4. The case of the petitioner is that there is neither civil suit nor rival claim whatsoever pending in respect of the property in question and as such, he has submitted an application dated 04.04.2016, followed by a representation dated 02.08.2017, for measurement and survey of the property. Since the said application has not been considered so far, the petitioner is before this Court with the above prayer.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the application of the petitioner dated 04.04.2016 and pass appropriate orders regarding measurement of the property on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Assistant Director of Land Survey,
Collectorate,
Theni,
Theni District - 625 512.

2. The Head Surveyor,
Thasildar Office Campus,
Andipatti,
Andipatti Taluk,
Theni District - 625 512.

+1 cc to Mr.R.Karunanidhi , Advocate in SR.No. 74752
+1 cc to The Special Government Pleader in SR.No.75062

gk/smn
AE/KP/SAR1/07.09.2017/2P/5C