

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.10.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.19031 of 2017 and
W.M.P.(MD) No.15371 of 2017**

Thatheyu

... Petitioner

-vs-

1. The Tahsildar,
Kulithurai, Vilavancode Taluk,
Kanyakumari District.
2. The Taluk Surveyor,
Kulithurai, Vilavancode Taluk,
Kanyakumari District.
3. The Village Administrative Officer,
Pacode Village, Vilavancode Taluk,
Kanyakumari District.
4. Albertsingh
5. Kingsly Swan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to carry out appropriate resurvey and prepare a new field map in respect of New Field S.No.452 of Pacode Village, Vilavancode Taluk, Kanyakumari District, corresponding to old Field Map S.No.2376A and consequently issue appropriate patta after making sub division for the petitioner's property bearing Plot No.7, Re.S.No.452/7, corresponding to Old Plot No.33, Old S.No.2376A situated at Pacode Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner
For R1 to R3

: Mr.S.Veeranasamy
: Mr.M.Alaguthevan
Spl. Govt. Pleader

**O R D E R**

This writ petition has been filed, seeking a direction to the respondents 1 to 3 herein to carry out appropriate resurvey and prepare a new field map in respect of New Field S.No.452 of Pacode Village, Vilavancode Taluk, Kanyakumari District, corresponding to old Field Map S.No.2376A and consequently issue appropriate patta after making sub division for the petitioner's property bearing Plot No.7, Re.S.No.452/7, corresponding to Old Plot No.33, Old S.No.2376A situated at Pacode Village, Vilavancode Taluk, Kanyakumari District.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3. By consent on either side, the writ petition itself is taken up for final disposal at the admission stage. Notice to R4 & R5 is dispensed with, as opportunity of hearing will be provided to them at the time of taking a final decision by the concerned authority.

3. The case of the petitioner is that he is the absolute owner of the property and the same was allotted to him by his father by way of a settlement deed. There was a discrepancy while conducting the re-survey plan, which affected his rights, by enabling the neighbouring R4 & R5 to encroach upon his 3¼ feet of land. In this regard, the petitioner has submitted a representation dated 09.10.2017 to the respondents 1 to 3 for re-survey and also preparation of a new field map and since the same has not been considered so far, the petitioner is before this Court with the above prayer.

4. The learned Special Government Pleader would submit that if a reasonable time is granted to the respondents 1 to 3, the representation of the petitioner will be considered and suitable orders passed.



5. In view of the above submission, this Court, without going into the merits of the matter, directs the respondents 1 to 3 to consider the application/representation of the petitioner dated 09.10.2017 and pass appropriate orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after due notice to the petitioner as well as any of the interested parties.

6. With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Kulithurai,
Vilavancode Taluk,
Kanyakumari District.
2. The Taluk Surveyor,
Kulithurai,
Vilavancode Taluk,
Kanyakumari District.
3. The Village Administrative Officer,
Pacode Village,
Vilavancode Taluk,
Kanyakumari District.

+1cc to M/S. S.VEERANASAMY, Advocate, SR.No.82863.
+1cc to Special Government Pleader, SR.No.82811.

W.P (MD) No.19031 of 2017
12.10.2017