



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.20331 of 2017

M.Rasu

... Petitioner

Vs.

The Municipal Commissioner,
Kadayanallur Municipal Office,
Kadayanallur,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to survey the petitioner's land in survey number 658 to the extent of 1 cent situated in New Ward No.17, Muppidthiamman Kovil Street, Old Ward No.15, Street No.2, Kadayanallur, Tenkasi, Tirunelveli District by earmarking the boundary pursuant to petitioner's representation dated 09.06.2017.

For Petitioner : Mr.N.Sankar Ganesh

For Respondent : Mr.J.Gunaseelan Muthiah,

O R D E R

This writ petition has been filed, seeking to direct the respondent to conduct the survey on the basis of the representation of the petitioner dated 09.06.2017.

2. Heard the learned counsel for the petitioner and the learned Advocate appearing for the respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.



3. 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 09.06.2017 for measurement and survey of the property. Since the said applications have not been considered so far, the petitioner is before this Court with the above prayer.

4. Considering the facts and circumstance of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matters, directs the respondent to consider the application/representation of the petitioner dated 09.06.2017 and pass suitable orders regarding measurement of the property 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 affording an opportunity of hearing to the petitioner as well as other interested parties, if any.

5. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

+1cc to M/S.N.SHANKAR GANESH, Advocate SR.No.85495.
+1cc to M/S.J.GUNASEELAN MUTHIAH, Advocate SR.No.85252.

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