



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.12.2017
C O R A M

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

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W.P.(MD)No.23724 of 2017

R.Krishna Kumar

... Petitioner

Vs.

1. The Commissioner,
Padmanabhapuram Municipality,
Kalkulam Taluk,
Kanyakumari District.

2. The Town Surveyor,
Padmanabhapuram Municipality,
Kalkulam Taluk,
Kanyakumari District.

3.K.Vidhu Kumar

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the 1st respondent herein to measure the entire property situated in Re-Survey No. T.S.No.B1/87 of Thucklay Village, (Padmanabhapuram-A Village) Kalkulam Taluk, Kanyakumari District, consisting to an extent of 6 cents with the help of the 2nd respondent, demarcate the same by fixing the boundaries and sub divide the same and allot the petitioner 3 cents on the north side of the aforesaid east facing property on the basis of the petitioner's representation made before him dated 21.09.2017.

For Petitioner : Mr.B.Brijesh Kishore

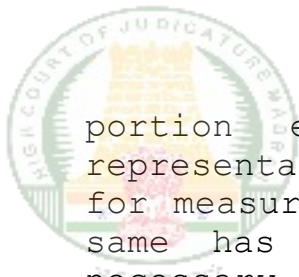
For Respondents : Mr.K.P.Krishnados for R.1 & R.2

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Mr.K.P.Krishnados, learned Counsel, takes notice for respondents 1 & 2. Notice to the third respondent is dispensed with and opportunity of hearing will be provided, by the authorities, at the time of hearing.

3. According to the petitioner, he as well as the third respondent had jointly purchased the property in question and neither civil suit nor rival claim, whatsoever, is pending in respect of the same, as of now and as such they are enjoying the possession. In order to get separate patta in his name, for the



portion enjoyed by him, the petitioner has submitted a representation dated 21.09.2017 before the official respondents, for measurement as well as demarcation of the property. Since the same has not been considered so far, despite remittance of necessary fee, the petitioner is before this Court.

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4. When the matter is taken up for hearing today, the learned Counsel for the petitioner submitted that it would suffice if the representation of the petitioner dated 21.09.2017, is disposed of by the authorities, on merits, within a stipulated time limit.

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 1 & 2 to consider the representation of the petitioner dated 21.09.2017 and pass appropriate orders, regarding measurement as well as demarcation of the property, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner and the third respondent as well as all the other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order, on payment of necessary fee, if not already paid.

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

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Padmanabhapuram Municipality,
Kalkulam Taluk, Kanyakumari District.

2. The Town Surveyor,
Padmanabhapuram Municipality,
Kalkulam Taluk, Kanyakumari District.

+ 1 cc TO Mr.B.Brijesh Kishore , Advocate in SR No. 94101

gk
AE/SV MMS/SAR1/10.01.2018/2P/4C