



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD) No.23728 of 2017

Dr.Nirmala

: Petitioner

.vs.

1. The Tahsildar,
Taluk Office,
Kovilpatti Taluk,
Kovilpatti,
Tuticorin District.

2. The Taluk Surveyor,
Taluk Office,
Kovilpatti Taluk,
Kovilpatti,
Tuticorin District.

3. The Block Development Officer,
Kovilpatti Panchayat Union,
Kovilpatti Taluk,
Kovilpatti,
Tuticorin District.

4. The Special Officer,
Inam Maniyachi Panchayat,
Kovilpatti Taluk,
Kovilpatti,
Tuticorin District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the respondents to consider the representation of the Petitioner dated 24.3.2017 within the period fixed by this Court which is relating to remove the encroachment made by the Fourth Respondent and to fix the boundary and to demarcate the Petitioner's property in Ayan Punja land in S.No.86/6B2, ad-measuring 0.20.0 hectares, 50 cents situated at Inam Maniyachi Village, Kovilpatti Taluk, Tuticorin District.



For Petitioner

: Mr.T.Selvan

For Respondents

: Mr.M.Govindan

Special Govt.Pleader

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O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

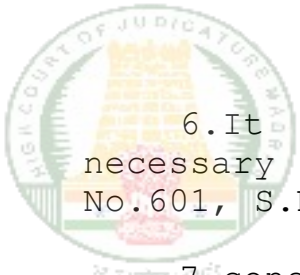
This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to consider the representation of the Petitioner dated 24.3.2017 within the period fixed by this Court which is relating to remove the encroachment made by the Fourth Respondent and to fix the boundary and to demarcate the Petitioner's property in Ayan Punja land in S.No.86/6B2, ad-measuring 0.20.0 hectares, 50 cents situated at Inam Maniyachi Village, Kovilpatti Taluk, Tuticorin District.

2.Heard both sides. No counter is filed on behalf of the respondents.

3.By consent, the main Writ Petition itself is taken up for final disposal.

4.According to the Petitioner, he addressed a representation, dated 24.3.2017 to the Respondents 1 to 4, whereby and where-under, he had prayed for to conduct a survey in respect of S.No.86/6B2 in Inam Maniyachi Village, Kovilpatti Taluk, Thoothukudi District. As a matter of fact, the First Respondent/The Tahsildar, Kovilpatti Taluk, Kovilpatti, Thoothukudi District had addressed a memo, dated 28.4.2017 to the Revenue Inspector, Kovilpatti, whereby and where-under, he had inter-alia mentioned that as per letter, dated 21.12.2016 of the First Respondent's Office, no report, till date, was obtained and in this regard, without any delay, a request was made to submit a report in question. Since the Respondents 1 to 4 had not taken any steps to locate his property and pathway road, he has filed the present Writ Petition praying for passing of an order by this Court in directing the Respondents 1 to 4 to consider his representation, dated 24.3.2017 within the period to be determined by this Court.

5.At the risk of repetition, this Court significantly points out that the representation of the Petitioner, dated 24.3.2017 addressed to the Respondents 1 to 4 pertains to the fixing of boundary and demarcating of the property in Ayan Punja land in S.No.86/6B2, ad-measuring 0.20.0 hectares, 50 cents, situated in Inam Maniyachi Village, Kovilpatti Taluk, Thoothukudi District.



6.It comes to be known that the Petitioner had remitted necessary fees for the conduct of survey in respect of Patta No.601, S.No.86/6B2 belonging to the Petitioner.

7. considering the fact that the Petitioner's representation, dated 24.3.2017 addressed to the First Respondent is pending as on date and also this Court taking note of yet another prime fact that the Petitioner had remitted the fees for conducting of survey and demarcating the property in question on 8.11.2017, this Court, at this stage, deems it fit and proper in directing the First Respondent/The Tahsildar, Kovilpatti Taluk, Thoothukudi District to look into the representation of the Petitioner, dated 24.03.2017 within a period of two weeks from the date of receipt of a copy of this order and thereafter, to dispose of the same by passing a reasoned speaking order on merits, of course, after providing adequate opportunity to the Petitioner and others concerned, if any, after adhering to the Principles of Natural Justice. It is open to the Petitioner to raise all factual and legal pleas before the First Respondent along with necessary/relevant documents. If such documentary evidence is produced before the First Respondent, then the First Respondent is directed to look into the same and advert to the same and to pass final orders in the subject-matter in issue within a period of four weeks thereafter, in a complete and comprehensive manner. Till the final orders are passed in the subject-matter in issue, possession of the Petitioner shall not be disturbed by any one, in any manner, whatsoever.

8. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Taluk Office,
Kovilpatti Taluk,
Kovilpatti,
Tuticorin District.
2. The Taluk Surveyor,
Taluk Office,
Kovilpatti Taluk,
Tuticorin District.



3. The Block Development Officer,
Kovilpatti Panchayat Union,
Kovilpatti Taluk,
Kovilpatti,
Tuticorin District.

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+ 1 cc TO Mr.T.Selvan , Advocate in SR No. 94222
+ 1 cc TO The Special Government Pleader in SR No. 94753

vsn

AE/JC/SAR4/05.01.2018/4P/6C

ORDER MADE IN
W.P. (MD) No.23728 of 2017
21.12.2017