

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.8941 of 2018

1.Savarimuthu
2.Mariyasoosai

.. Petitioners

Vs

1.The Tahsildhar,
Sankarapuram,
Villupuram District.

2.Michel

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the first respondent to consider the written objection notice dated 24.03.2018 issued by the petitioner while proceeding with the enquiry on the notice issued by the first respondent dated 16.03.2018.

For petitioner : Mr.R.Nalliyappan

For R1 : Ms.S.Ramya Revathy, GA

ORDER

By way of filing this writ petition, the petitioner seeks a direction to the first respondent / the Tahsildar, Sankarapuram, Villupuram District, to consider his written objection dated 24.03.2018 while proceeding with the enquiry on the notice dated 16.03.2018 issued by the first respondent.

2. It is submitted by the learned counsel for the petitioners that the petitioners are the owners of the agricultural land bearing S.F.No.55/1 and 55/2, Alathur Village, Sankarapuram Taluk, Villupuram District. It is also further stated that the second respondent herein has already filed a Writ Petition No.31205 of 2017, without impleading the petitioners, seeking a direction to the respondents therein to consider his application dated 17.04.2017 requesting to survey the land in Survey No.55/3, measuring to an extent of 2.30 acres, situated at Alathur Village, Sankarapuram Taluk, Villupuram District. This Court, by order dated 30.11.2017, directed the Tahsildar, Sankarapuram, to consider the said

application of the second respondent herein and pass orders after giving due opportunities to the rival parties, within a period of six weeks. Pursuant to the order passed by this Court, the first respondent issued a notice dated 16.03.2018 directing the petitioners to appear for the enquiry to be held on 23.03.2018 along with the records. Thereafter, although the petitioners appeared for the enquiry on the said date and informed the first respondent about the oral partition and their respective possession of the property in question, the first respondent refused to hear the petitioners. Therefore, they have filed a written objection dated 24.03.2018 before the first respondent, followed by a legal notice dated 26.03.2018, but, the same have not been considered till date. Hence, it is pleaded, a direction may be issued to the first respondent to consider the petitioners' written objection dated 24.03.2018 before passing the final order on the notice dated 16.03.2018 issued by the first respondent.

3. Ms.S.Ramaya Revathy, learned Government Advocate, by accepting notice for the first respondent, submitted that till date, the first respondent has not passed final order on the said notice.

4. In the light of the above, this Court, without going into the merits of the matter, directs the first respondent to consider the written objection dated 24.03.2018 of the petitioners and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. With this direction, the writ petition is disposed of. No Costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rkm
To

The Tahsildhar,
Sankarapuram,
Villupuram District.

+1 CC to Mr.R.Nalliyappan, Advocate sr 28577.
+1 CC to Govt. Pleader sr 28851.

W.P.No.8941 of 2018

KK(CO)
SP(03/05/2018)