

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.21723 of 2018

1.K.Mariammal  
2.Myilsamy  
3.Arjunan  
4.M.Yoganandham  
5.K.Vasuki  
6.Mariammal .. Petitioners

Vs

The Tahsildar,  
Madathukulam  
Tiruppur District. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent to measure the property in S.F.Nos.831 and 832, Komaralingam Village, Madathukulam Taluk, Tiruppur District.

For Petitioners: Mr.S.Gunalan

For Respondent : Mr.J.Ramesh  
Additional Government Pleader

O R D E R

Mr.J.Ramesh, learned Additional Government Pleader takes notice for the respondent. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this writ petition is for a mandamus, directing the respondent to measure the property in S.F.Nos.831 and 832 at Komaralingam Village, Madathukulam Taluk, Tiruppur District.

3. The learned counsel for the petitioners submitted that the property in S.F.Nos.831 and 832 at Komaralingam Village, Madathukulam Taluk, Tiruppur originally belonged to the parents of the petitioners. After their demise the petitioners became the absolute owners of the property and they have been in

possession and enjoyment of the same. When the things stood so, their adjacent land owners tried to interfere with their peaceful possession and enjoyment of the property. Hence, they filed a suit in O.S.No.332 of 2012, before the District Munsif, Udumalpet, for permanent injunction and the same was decreed in their favour. Pursuant to the same, the petitioners submitted a representation dated 25.06.2018 to the respondent to measure the above said property, which was not considered. Therefore, the petitioners are before this Court.

4. The learned Special Government Pleader taking notice for the respondent submitted that the representation of the petitioner be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioners dated 25.6.2018 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners as well as all other necessary parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ms

To

The Tahsildar,  
Madathukulam  
Tiruppur District.

+1cc to Mr.S.Gunalan, Advocate Sr.58297  
+1cc to the Government Pleader Sr.58816

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srg 20/09/2018