

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18662 of 2018

Venkatachalam

S/o Subburaya Gounder

.. Petitioner

-vs-

1. The District Sub Collector
Tirupur District
Tirupur

2. The Tahsildar
Tirupur South Taluk
Tirupur District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the representation dated 12.03.2018 and consequently direct the second respondent to re-survey and subdivide the property comprised in Survey No.501 of Thongukuttipalayam Village, Tirupur Taluk and District.

For Petitioner :: Mr.K.S.Kaviarasau

For Respondents :: Mrs.K.Bhuvaneswari
Additional Government Pleader

ORDER

The petitioner claims to be absolute owner of the property covered under the registered settlement deed dated 2.5.2017 executed by his father conveying the property covered in Survey No.501 along with other properties. Since the sub division was made at the instance of some of the co-sharers without any intimation to the petitioner, he made a representation on 9.3.2018 to the Tahsildar, Tirupur South Taluk for proper survey of his land. However, it is stated before me by the learned counsel that the second respondent refused to entertain his plea. Thereafter, the District Sub Collector, Tirupur, the first respondent herein, on receipt of the petitioner's representation, issued a communication on 2.4.2018 bearing Na.Ka.No.1032/2018/A2 calling upon the Tahsildar, Tirupur South Taluk to conduct enquiry and answer the petitioner's representation. This has not been done. Therefore, the grievance of the petitioner is that when a representation has been made before the second respondent to re-survey the land,

the same has not been considered. Secondly, when the District Sub Collector, Tirupur, the first respondent herein has directed the Tahsildar, Tirupur South Taluk vide his communication dated 2.4.2018 to consider the request of the petitioner, that was also not obeyed. Hence, a direction be issued.

2. The learned Additional Government Pleader for the respondents sought four weeks time to consider the pending representation.

3. As the communication dated 2.4.2018 issued by the District Sub Collector, Tirupur calling upon the Tahsildar, Tirupur South Taluk to look into and answer the representation of the petitioner has not been considered, this Court hereby directs the Tahsildar, Tirupur South Taluk to comply with the direction issued by the District Sub Collector, Tirupur, on the basis of the representation given by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. If the Tahsildar, Tirupur South Taluk fails to adhere to the time limit stipulated in this order, the District Sub Collector, Tirupur is further directed to take appropriate departmental action against the Tahsildar for non-compliance of the direction. With this direction, the writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

ss

To

1. The District Sub Collector
Tirupur District
Tirupur

2. The Tahsildar
Tirupur South Taluk
Tirupur District

+1cc to Government Pleader SR.No.50027

+1cc to Mr.K.S.Kaviarasu, Advocate Sr.No.49537

VBA (CO)

sm:6.8.2018

W.P.No.18662 of 2018