



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.18081 of 2018

Father S.Amalaraj,
Paive Priest,
St. Mary Magadalane Church,
Vakkampatti Post,
Pambampatti Via,
Dindigul District.

... Petitioner

vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
Authoor Taluk,
Dindigul District.

3. The Surveyor,
Taluk Office,
Authoor Taluk,
Dindigul District.

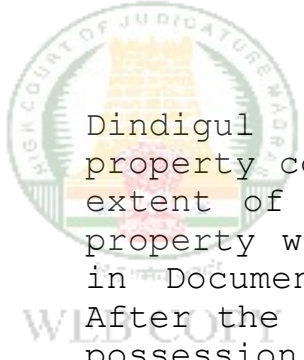
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the third respondent herein to survey and demarcate the boundaries in respect of the property comprised in Survey Nos.138/11 and 138/19, situated at Vakkampatti Village, Authoor Taluk, Dindigul District, on the basis of the petitioner's application, dated 06.09.2016 and 16.10.2017 within a time prescribed by this Court.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.S.Angappan
Government Advocate

O R D E R

The petitioner claims himself to be a Priest of the Roman Catholic Church serving under the diocese of Dindigul, Parish Priest of ST.Mary Magadalane Church located at Vakkampatti Post,



Dindigul District. According to the petitioner, the landed property comprised in Survey Nos.138/11 and 138/19 measuring to an extent of 27 cents owned by the Church in absolute terms. The property was purchased vide registered sale deed dated 29.03.1993 in Document No.150 of 1993 from one vendor Maria Kanagappan. After the purchase of the landed property, the Church has been in possession and enjoyment of the property.

2. In order to protect the property from encroachment from the third parties, the petitioner had approached the second respondent to survey and measure the property and in this regard, an application was also submitted by the petitioner on 06.09.2016. According to the petitioner, necessary charges for conduct of survey was also paid to the second respondent. Following the application, a detailed representation has also been sent on 16.10.2017. Despite a lapse of considerable time, no response has been forthcoming from the second respondent. Therefore, the petitioner is before this Court seeking issuance of Writ of Mandamus.

3. Mr.S.Angappan, learned Government Advocate, takes notice for the respondents.

4. Considering the fact that the prayer sought in the writ petition is limited in its scope, the writ petition is disposed of at the time of admission stage itself, by giving the following direction:

"the second respondent is directed to survey and measure the subject property and demarcate the boundaries and file a report. Such exercise shall be executed by the second respondent within a period of four weeks from the date of receipt of a copy of this order."

5. With the above direction, the Writ Petition stands disposed of. No costs.

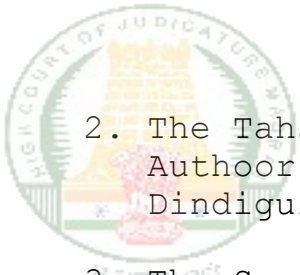
Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

1. The District Collector,
Dindigul District,



2. The Tahsildar,
Authoor Taluk,
Dindigul District.

3. The Surveyor,
Taluk Office,
Authoor Taluk,
Dindigul District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79097
+ 1 CC TO Mr.J.LAWRANCE, ADVOCATE IN SR No. 78949

SSL

TE/SKN/SAR-2 : 27/08/2018 : 3P/6C

W.P.(MD) No.18081 of 2018
16.08.2018