

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.8601 of 2019

G.Manogaran

... Petitioner

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. District Revenue Officer,
Collectorate,
Kancheepuram.
3. Revenue Divisional Officer,
Kancheepuram,
Kancheepuram District.
4. The Thasildar,
Sriperumbadur,
Kancheepuram District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to pass appropriate order to carryout the demarcation of the boundaries of the properties based on the final decree in Partition suit in O.S.No.544 of 2006 dated 12.09.2011, by disposing the representation dated 19.11.2017 with reference to the Registered Document No.883/2017 dated 13.03.2017 within the stipulated period prescribed by this Court.

For Petitioner : Mr.G.Thangavel

For Respondents: Mr.R.Govindasamy,
Special Government Pleader

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus to direct the respondents to pass appropriate order to carryout the demarcation of the boundaries of the properties based on the final decree in Partition suit in O.S.No.5644 of 2006 dated 12.09.2011, by disposing the representation with reference to the Registered Document No.883/2017 dated 13.03.2017.

3. The case of the petitioner is as follows:

The petitioner is the absolute owner of the property situated at Kudamanallur Village Sirperumbadur Taluk, Kancheepuram District under Survey No.7/1, 7/3A and 7/9B, 7/2, 8/6A, 16/6 (Part), based on the registered settlement deed of Document No.883 of 2017 executed by his father before the SRO Kancheepuram Joint-4 dated 13.03.2017). The petitioner is in possession and enjoyment of the property from the date of execution of the settlement deed. The said property was a joint family property of the petitioner's father along with his paternal uncle. Based on the final decree dated 12.09.2011 in a partition suit in O.S.No.544 of 2006, his father had the exclusive right of the said property, out of family partition. Thereafter, the petitioner applied for separate patta to the revenue authorities so as to demarcate the boundaries for his property by furnishing necessary charges for carrying out the demarcation of boundary. So far, the respondents have not demarcated the boundary and issued patta to the petitioner. Hence, the present writ petition is filed with the relief as stated supra.

4. Heard both sides.

5. The grievance of the petitioner before this Court is that the said representation is still pending and not disposed of by the respondents so far.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the fourth respondent to consider and decide the same. Accordingly, this writ petition is disposed of, only with a direction to the fourth respondent to dispose of the petitioner's representation and pass orders on the same on merits and in accordance with law, after hearing all the parties concerned. Such exercise

shall be done by the fourth respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. District Revenue Officer,
Collectorate,
Kancheepuram.
3. Revenue Divisional Officer,
Kancheepuram,
Kancheepuram District.
4. The Thasildar,
Sriperumbadur,
Kancheepuram District.

+1cc to Mr.G.Thangavel, Advocate sr.28994
+1cc to Government Pleader sr.29774

W.P.No.8601 of 2019

ssv(co)
nr 06/05/2019