

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.15763 of 2018

T.M.Jayamurugan

...Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore - 641001.

2. The Tahsildar,
Sulur Taluk,
Coimbatore - 641001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to survey the petitioner's property situated in survey No.385/4 in Semmandam palayam, Sulur Taluk, Coimbatore District within a time frame fixed by this Hon'ble Court enabling the petitioner to fence his property.

For Petitioner : Mr.K.C.Karl Marx

For Respondents: Mr.R.Govindasamy

Special Government Pleader

O R D E R

The petitioner seeks for a Mandamus, directing the second respondent to survey his property situated in survey No.385/4 in Semmandam palayam, Sulur Taluk, Coimbatore District within a time frame fixed by this Hon'ble Court enabling him to fence his property.

2. Heard both sides.

3. The case of the petitioner is as follows:

The petitioner is the absolute owner of the land situated in Survey No.385/4, measuring an extent of 0.48 acres through registered Sale Deed 1172/2016 dated 03.02.2016. The property originally belonged to one Nanjappa Gounder, who purchased the same by way of Sale Deed No.537/1978 and executed a settlement in favour of his son Easwaran in settlement deed No.1495/2008. The said Easwaran executed a sale in favour of one Karunakaran on 31.05.2013 and the said Karunakaran on 25.10.2013 has executed a sale in favour of Chitra in document No.10924/2013. The petitioner purchased the same from the said one Chitra on 03.02.2016.

The petitioner made an application to survey the land on 19.07.2016 and paid necessary charges to fence his property but the second respondent did not survey the land. He also obtained a certificate on 28.09.2017 to show his possession and ownership. Meanwhile, the legal heirs of Nanjappa Goundar filed a suit in O.S.No.187 of 2016, challenging the sale and seeking partition. They also sent a legal notice to the second respondent asking him not to measure the property. Since, the second respondent did not survey the land, the petitioner again sent a representation on 12.06.2018 requesting to survey the land and enabling him to fence the property. However, the said representation has not been considered by the second respondent so far. Hence, the present writ petition is filed.

4. 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 second respondent to consider and decide the same on merits and in accordance with law. Accordingly, this writ petition is disposed of, only by directing the second respondent to consider the representation of the petitioner dated 12.06.2018 and pass orders on the same on merits and in accordance with law, after hearing the petitioner and other interested parties, if any. Such exercise shall be done by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore District,
Coimbatore - 641001.

2. The Tahsildar,
Sulur Taluk,
Coimbatore - 641001.

+1cc to Mr.K.C.Karl Marx , Advocate SR.No. 38749

+1 cc to Government Pleader Sr.No. 39886

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A.SK(10/06/2019)