

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9179 of 2020

E. Shanmugam
S/o. Edumpan,
Alamarathupatti - Pedarahalli,
Pennagaram Taluk,
Dharmapuri District.

..Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Dharmapuri, Dharmapuri District.
2. The Thasildhar,
Office of the Thasildhar,
Pennagaram Taluk,
Dharmapuri District.
3. The Head Surveyor,
Office of the Thasildhar,
Pennagaram Taluk,
Dharmapuri District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second and third respondents herein to survey and measure the petitioner's property comprised in Survey No.426/3 to fix boundaries situated at Thithiyoppaalli Village, Pennagaram (Taluk) Dharmapuri District based on the petitioner's representation dated 02.06.2020 and 20.06.2020 within the time fixed by this Hon'ble Court.

For Petitioner : Mr. A.C.Asaithambi
For Respondents : Mr.S.N. Parthasarathy
Government Advocate

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the second and third respondents to survey and measure the property of the petitioner and to fix the boundaries based on the representations made by the petitioner on 02.06.2020 and 20.06.2020.

2. The case of the petitioner is that he became the owner of the property by virtue of a decree passed by a Civil Court in a suit for specific performance in O.S.No.46 of 2006. The further case of the petitioner is that the possession was also handedover to the petitioner in execution proceedings in the year 2016. According to the petitioner, the patta was also granted in his favour by the second respondent by proceedings dated 26.09.2019. The petitioner had made an application and paid necessary charges for the survey of the land and for fixing the boundaries. Since the same did not evoke any response, the petitioner made further representations to the second respondent. Aggrieved by the inaction on the part of the respondents, the present writ petition has been filed seeking for appropriate directions.

3. Heard Mr.A.C.Asaithambi, learned counsel for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate for the respondents.

4. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the second and third respondents to act upon the application submitted by the petitioner for survey of the lands and to fix boundaries, subject to the payment of necessary charges. The respondents shall complete the process and fix the boundaries within a period of eight weeks from the date of receipt of a copy of this order. The second and third respondents shall strictly go by the title documents of the petitioner while carrying out the exercise. The petitioner is directed to make fresh representation to the second and third respondents along with all necessary documents and a copy of this order.

5. This writ petition is disposed of with the above direction. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mp/kp

To

1. The District Collector,
Office of the District Collector,
Dharmapuri, Dharmapuri District.

2. The Thasildhar,
Office of the Thasildhar,
Pennagaram Taluk,
Dharmapuri District.

3. The Head Surveyor,
Office of the Thasildhar,
Pennagaram Taluk,
Dharmapuri District.

+lcc to the Government Pleader, S.R.No.24678

W.P.No.9179 of 2020

MR(CO)
KKV/21/08/2020



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