

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10523 of 2020

T.Rajendran,
S/o.Thiruvengadam,
Residing at No.311,
L Block, Poondi Thangammal Street,
New Washermenpet,
Chennai - 600 081.

..Petitioner

-Vs-

1. The Tahsildhar
Land Survey Department, Avadi Taluk Office
Avadi, Chennai 600 054.
2. The Head Surveyor
Avadi Taluk Office, Avadi, Chennai 600 054...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, Directing the 1st and 2nd respondents to survey the land comprised in survey No.530/3 and 530/4 of Arrikambedu Village, Hamlet of Vellannur, Avadi Taluk, Thiruvallur District and fix the boundaries by erecting stone poles based on my representations dated 13.09.2019 and 11.10.2019.

For Petitioner : Ms.B.Sharmila
For Respondent : Mr.Annai Ezhil
Government Advocate

ORDER

By consent given by both sides, this writ petition is taken up for final hearing at the admission stage itself.

2. This Writ Petition has been filed for issuance of writ of mandamus directing the respondents to Survey the subject property situated at Arrikambedu Village Hamlet of Vellannur Avadi Taluk Thiruvallur District and to fix boundary stones.

3. Ms.Sharmila, learned counsel appearing on behalf of the petitioner submitted that a large extent of property measuring

11 acre 23 Cents, comprising in S.Nos.530/3 and 530/4, became subject matter of a partition suit filed by the grandmother of the petitioner in O.S.No.622 of 1999, before the District Munsif cum Judicial Magistrate, Ambattur. The proceedings reached finality and a decree was passed, and grandmother of the petitioner was allotted 1.06 acres in S.No.530/3 and 0.81 out of 1.02 acres in S.No.530/4. The Execution Proceedings were also initiated by the grandmother of the petitioner in E.P.No.66 of 2010 and delivery of possession was ordered on 24.08.2017. The possession was also handed over by the Bailiff.

4. The grandmother and the father of the petitioner died and according to the petitioner, he is the legal heir, who will inherit the subject property.

5. The learned counsel further submitted that the petitioner gave representations dated 13.09.2019 and 11.10.2019 to the respondents to survey the property and fix the boundary stones. Since the same was not acted upon, the present writ petition has been filed before this Court, seeking for appropriate directions.

6. Mr. Annai Ezhil, learned Government Advocate appearing on behalf of the respondent submitted that the representation made by the petitioner has been taken on file and the first respondent has fixed the date of enquiry on 28.08.2020. The learned counsel submitted that the first respondent, after verifying all the documents will take appropriate action within the time stipulated by this Court.

7. This Court has carefully considered the submissions made on either side and the materials available on record.

8. Taking into consideration the facts and circumstances of the case, there shall be a direction to the first respondent to complete the enquiry and take a decision with regard to Survey of the property and fixing of the boundary stones within a period of six weeks from the date of receipt of copy of this order.

9. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

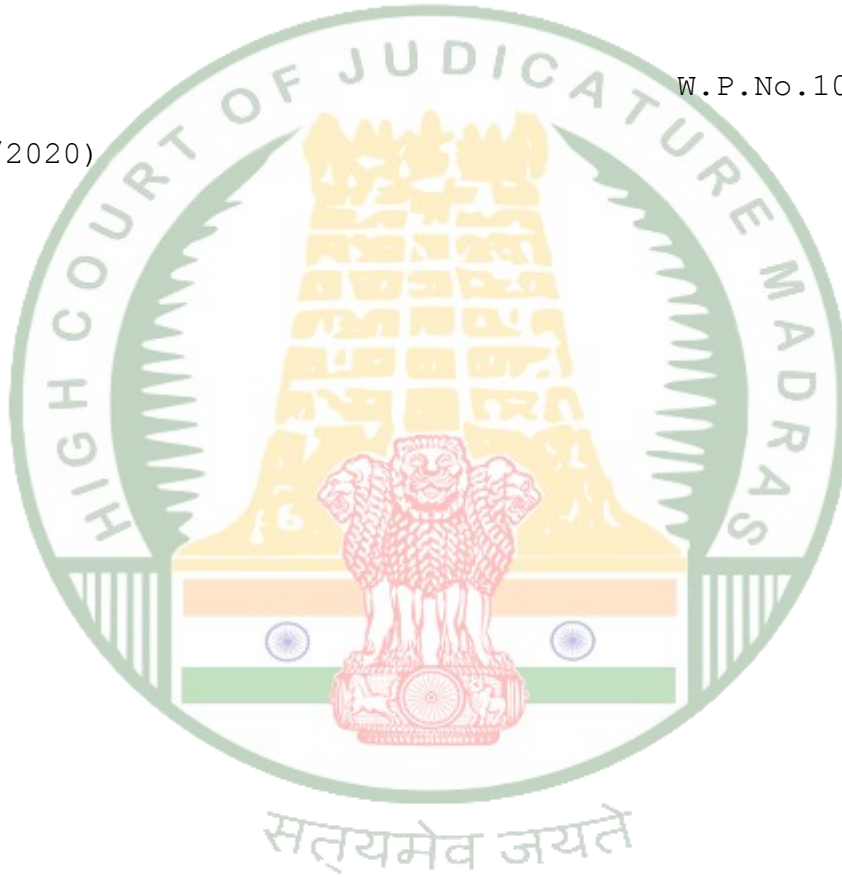
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1. The Tahsildhar
Land Survey Department, Avadi Taluk Office
Avadi, Chennai 600 054.
2. The Head Surveyor
Avadi Taluk Office, Avadi, Chennai 600 054.

+2ccs to M/s.B.Sharmila,A dvocate Sr.No. 26616
+1 cc to The Government Pleader, Sr.No. 26847

W.P.No.10523 of 2020

SSV(CO)
RMP(03/09/2020)



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