

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.01.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.17451 of 2014

T.K.Manimekalai

...Petitioner

Vs

1.The Commissioner
Corporation of Coimbatore,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Coimbatore Town,
Coimbatore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of Mandamus directing the respondents to measure petitioner's property comprised in Survey No.297, Sangaloor Village, Coimbatore Taluk by deputing a Surveyor within a stipulated time.

For Petitioner : Mr.M.R.Sakunthala
For Respondent : Mr.R.S.Selvam
Nos.1 & 2 Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the respondents to measure petitioner's property comprised in Survey No.297, Sangaloor Village, Coimbatore Taluk by deputing a Surveyor within a stipulated time to be fixed by this Court.

2.It is the case of the petitioner that she is the absolute owner of the aforementioned property. According to her, she purchased the same under the sale deed dated 19.11.1979 registered as document No.3536/1979 at the office of the Sub Registrar, Gandhipuram. Further, it is also her case that she obtained electricity connection in her name and she is also paying revenue tax to the respondents. It is the case of the petitioner that her neighbour is constantly trying to encroach certain portion of the petitioner's property and he is disputing the boundaries of the petitioner's property. Hence, she gave a representation to the respondent requesting him to

depute one Surveyor from the first respondent Corporation for measuring the petitioner's property. According to her, she has also paid the necessary charges for the survey fee to the first respondent through her son M.Rajavel vide receipt No.20140411015 dated 01.04.2014. It is her case that despite her representation to the respondent for measurement of the petitioner's property, till date the respondents have not measured the petitioner's property. In such circumstances, this writ petition has been filed.

3.Heard Ms.M.R.Sakunthala, learned counsel appearing for the petitioner and Mr.R.S.Selvam, learned Government Advocate appearing for the respondents 1 & 2.

4.As seen from the affidavit filed in support of this writ petition, the petitioner has requested the second respondent to measure her property having situated in Survey No.297, Sanganoor Village, Coimbatore Taluk. According to her, there is a dispute between her and her neighbour with regard to the boundaries and only to resolve the said dispute, she has sought for measurement of her property through a Surveyor. In view of the averments contained in the affidavit, this Court is inclined to direct the second respondent, the Tahsildar, Coimbatore North, Coimbatore District to depute a Surveyor to measure the petitioner's property within a period of three weeks from the date of receipt of a copy of this order and directed him to measure the petitioner's property situated in Survey No.297, Sangaloor Village, Coimbatore Taluk and submit a report with regard to the measurement of the petitioner's property within a period of three weeks thereafter to the petitioner.

5.It is made clear that the petitioner will have to produce all the necessary documents along with a fresh representation for the effective measurement of the petitioner's property, after hearing all the necessary parties.

With the aforesaid directions, the writ petition is disposed of. No costs.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

sms

To

1.The Commissioner
Corporation of Coimbatore,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Coimbatore Town,
Coimbatore District.

+1 CC to Mr.T.P. Prabakaran, Advocate sr 7492.

+1 CC to Govt. Pleader sr 7714.

W.P.No.17451 of 2014

VGII (CO)
SP(05/03/2020)



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