

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.9395 of 2021

Prasanna Kumar

... Petitioner

Vs.

1. The District Collector,  
Ootacamund,  
Nilgiris District.
2. The Commissioner,  
Municipal Office,  
Ootacamund,  
Nilgiris District.
3. The Municipal Surveyor,  
Ootacamund,  
Nilgiris District.

... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to measure the property bearing D.No.183 &184 situated in R.S.No.4138 of Ootacamund Town, Nilgiris District, measuring to an extent of 0.53 Acres of land together with buildings and earmark the boundaries of the property based on the petitioner's application dated 01.03.2021 within the time frame fixed by this Court.

For Petitioner : Mr. M. Selvam

For Respondent : Mr.P.Chinnadurai, AGP for R1 to R3

## WEB COPY O R D E R

According to the petitioner, the property measuring 0.53 acres of land situated in D.Nos.183 and 184, R.S.No.4138 of Ootacamund Town, Nilgiris District, together with buildings was purchased by his uncle by name Chathoth Raghavan, by and under a registered Sale Deed dated 20.07.1977 bearing Doc.No.915 of 1977. The said Chathoth Raghavan, in turn, executed a Will dated 11.07.1990 and he died on 14.12.1992. On his demise and based on

the said Will, the petitioner's mother was entitled to have right over the subject property and thereafter, she expired on 23.08.2017 leaving behind the petitioner as her legal heir. It is the further case of the petitioner that for better administration of the subject property and building and to avoid future problems regarding boundaries of the same, he decided to put up fencing around the subject property. So, he approached the respondents and gave application dated 01.03.2021, requesting them to measure the property and paid Rs.500/- for the same. Though the said application was received, no steps have been taken by the respondents till date. Therefore, the petitioner has come up with this writ petition to direct the respondents to measure the subject property and earmark the boundaries of the same, based on the said application within a time frame to be fixed by this Court.

2.Today, when the matter was taken up for consideration, the learned Additional Government Pleader appearing for the respondents produced a copy of the letter dated 28.4.2021 received from the Municipal Office, Ootacamund, and submitted that the respondents have agreed to conduct survey of the subject property belonging to the petitioner and hence, they may be directed to do so, within a reasonable time to be fixed by this Court.

3.In view of the aforesaid submissions made on the side of the respondents, this Court deems it fit and appropriate to direct the respondents to conduct survey, measure the subject property belonging to the petitioner and mark the boundaries of the same, within a period of four weeks from the date of receipt of a copy of this order.

4.The Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msr  
To

1. The District Collector,  
Ootacamund,  
Nilgiris District.

2. The Commissioner,  
Municipal Office,  
Ootacamund,  
Nilgiris District.

3. The Municipal Surveyor,  
Ootacamund,  
Nilgiris District.

+lcc to M/s.M.Selvam, Advocate Sr.26323  
+lcc to the Government Pleader Sr.26795

W.P.No.9395 of 2021

rk[co]  
srg 18/06/2021



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