

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.24757 of 2018
and W.M.P.No.28780 of 2018

M.Karthikeyan

..Petitioner

-Vs-

1.The Revenue Divisional Officer
Divisional Office, Thiruppur.

2.The Tahsildar
Tahsildar Office, Thiruppur North

3.Ponmani

4.Vedachalam

5.Rukkaram

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondents to measure the petitioner's property comprised in Survey No.485 and 485/2B at Samundipuram, Velampalayam, Thiruppur North and file a report.

For Petitioner :Mr.R.Karunakaran

For Respondents :Mr.N.Inbanathan
Additional Government Pleader -
for RR 1 & 2

No appearance - for RR 3 to 5

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O R D E R

The prayer sought for herein is for a Writ of Mandamus to direct the respondents to measure the petitioner's property comprised in Survey No.485 and 485/2B at Samundipuram, Velampalayam, Thiruppur North and file a report.

2. In respect of the property at Survey No.485 and 485/2B at Samundipuram, Velampalayam, Thiruppur North, to the extent

of 9312 Sq.ft, the petitioner has given a request to the first respondent / Revenue Divisional Officer on 13.08.2018 to measure the property, since the private respondents 3 to 5, who are adjacent land owners are trying to encroach upon the petitioner's property. Since the said request has not been considered, the petitioner has approached this Court by filing this writ petition with the aforesaid prayer.

3. Heard Mr.Karunagarajan, learned counsel appearing for the petitioner, who, after having reiterated the aforesaid facts, seeks the indulgence of this Court to give suitable direction to the second respondent.

4. Heard Mr.Inbanathan, learned Additional Government Pleader appearing for the official respondents, who would submit that, if the said request made by the petitioner dated 13.08.2018, so far has not been acted upon, certainly that would be acted upon, of course, after giving an opportunity to the petitioner as well as the private respondents and accordingly measure the land in question to identify the boundaries, within a time frame that may be stipulated by this Court.

5. There is no representation on behalf of the private respondents.

6. In view of the innocuous nature of the prayer sought for herein and by taking into account the facts referred to above, this Court is inclined to dispose of this writ petition with the following order.

That there shall be a direction to the second respondent to act upon the application or representation of the petitioner dated 13.08.2018 submitted to the first respondent and measure the land in question, as claimed by the petitioner, in the presence of the petitioner as well as respondents 3 to 5, for which separate notice shall be given by the second respondent fixing the date for measuring the land and identifying the boundaries. In this regard, if any charges are involved, such charges shall be collected and thereafter the second respondent shall act upon as indicated above and pass orders within a period of twelve weeks from the date of receipt of receipt of a copy of this order.

7. Since the representation has been given to the first respondent, a copy of the same shall be annexed along with a copy of this order by the petitioner and a copy shall be sent to the second respondent by RPAD and on receipt of the same, without waiting for any communication from the first respondent forwarding the representation, the second respondent shall act upon and do the needful within a time frame stipulated above.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

KST
To

1.The Revenue Divisional Officer
Divisional Office, Thiruppur.

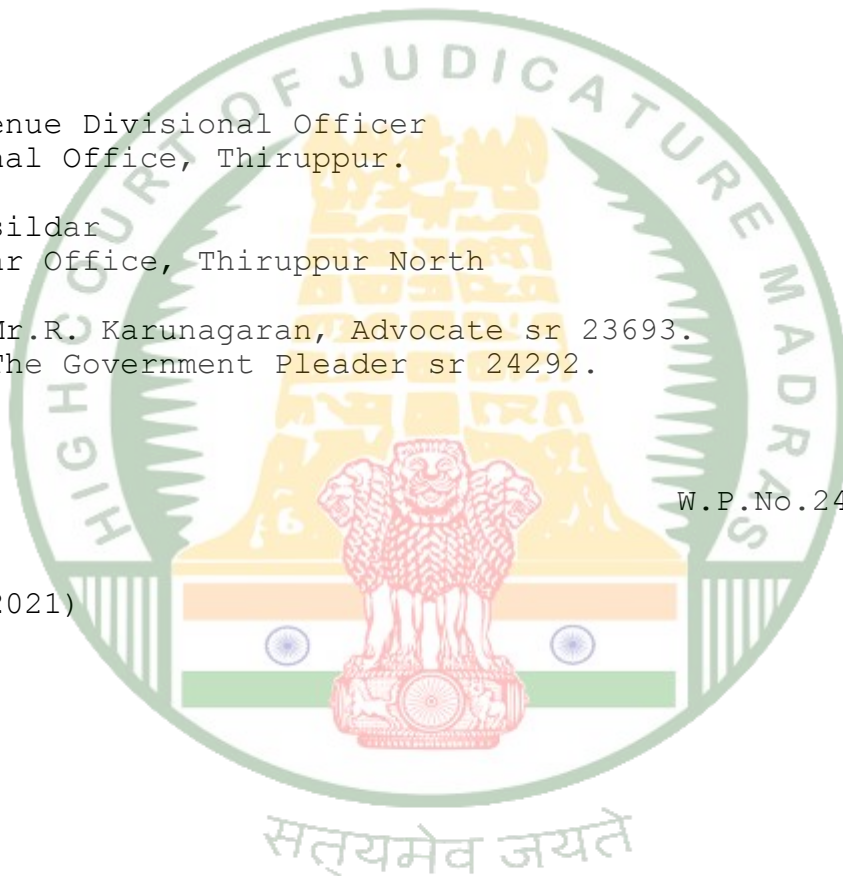
2.The Tahsildar
Tahsildar Office, Thiruppur North

+1 CC to Mr.R. Karunagaran, Advocate sr 23693.

+1 CC to The Government Pleader sr 24292.

W.P.No.24757 of 2018

SVI (CO)
SP(18/06/2021)



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