



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

WEB COPY

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21694 of 2021

M.Sidhan

...Petitioner

Vs.

1. The Tahsildar,
Omalur Taluk,
Omalur, Salem District.

2. The Head Surveyor,
Office of Tahsildar,
Omalur, Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to survey the land comprised in Survey No.112/1B measuring to an extent of 33 1/4 cents situated at Pachanampatti Village, Omalur, Salem District and to demarcate the boundaries based on the representation of the petitioner dated 06.09.2021 within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to survey the land comprised in Survey No.112/1B measuring to an extent of 33 1/4 cents situated at Pachanampatti Village, Omalur Taluk, Salem District and to demarcate boundaries based on the representation of the petitioner dated 06.09.2021 within a stipulated time.

2. According to the petitioner, the property in Survey No. 112/1B measuring to an extent of 33 1/4 cents situated at Pachanampatti Village, Omalur Taluk, Salem District, was originally belongs to joint family constituted of Muthusamy (the father of the petitioner) and Mr.Palanisamy (brother of the petitioner) and the petitioner herein. They had executed a Partition Deed in respect of the above said property in favour of the petitioner registered as Document No.9059 of 2008, dated



17.12.2008 on the file of Sub Registrar Office, Omalur and the Revenue Records was also mutated in favour of the petitioner and they were jointly issued the Patta No.1517. Since the petitioner was in continuous possession and enjoyment of the property without any interruption. Therefore, the petitioner has decided to develop the above said property and took steps to put up a fencing. In this regard, he sent a detailed representations, dated 07.12.2020 before the first respondent seeking for conducting to survey and demarcate the boundaries of the above said property. He made another representation dated 06.09.2021 before the first respondent through RPAD and the same was acknowledged by the first respondent on 08.09.2021, but, till date, no action has been taken by the respondents. Hence, the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representation dated 06.09.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents to consider the petitioner's representation dated 06.09.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as necessary parties within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

gba

To

1. The Tahsildar,
Omalur Taluk,
Omalur,
Salem District.



2. The Head Surveyor,
Office of Tahsildar,
Omalur,
Salem District.

WEB COPY

+1cc to M/s.C.Prabakaran, Advocate, S.R.No.52734
+1cc to the Government Pleader, S.R.No.53196

W.P.No.21694 of 2021

BP (CO)
SB (06/12/2021)