

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.20021 of 2020

N.Shaik Mohamed

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Petitioner

Vs.

1.The District Collector
Collector Office
Tiruvarur.

2.The Assistant Director of Survey
Assistant Land Survey Office
Collector Office Complex
Tiruvarur.

3.The District Surveyor
Assistant Land Survey Office
Collector Office Complex
Tiruvarur.

4.The Commissioner
Tiruvarur Municipality
Collector Office Complex
Tiruvarur.

5.The Tahsildar
Tahsildar Office
Tiruvarur.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to dispose of the petitioner's representation dated 12.10.2020 given to the second respondent herein in accordance with law within the period as fixed by this Court.

For Petitioner : Ms.J.Jyothi

For Respondents : Mr.M.Manigopi
Government Advocate

ORDER

The writ petition is filed seeking a direction to the second respondent to dispose of the petitioner's representation dated 12.10.2020.

2. The petitioner herein claims that he is the owner of the property comprised in Old T.S.No.1396/9, which is correlated to T.S.No.35, 35/1 in Ward No.3, Block No.29, New Block No.31, Vijayapuram in Tiruvarur Town and seeking demarcation of his property he has filed a representation to the second respondent on 12.10.2020.

3. Heard the learned counsel for the petitioner and Mr.M.Manigopi, learned Government Advocate for the respondents.

4. The learned Government Advocate submitted that the petitioner had preferred his representation only very recently in October '2020 and seeks some time for obtaining instructions.

5. It is heartening to learn that in the lexicon which the Government officials follow, two and a half months time is only a recent time which implies that the representation can afford to wait for few more months before the concerned Tahsildar to fix a date for enquiry.

6. This Court does not consider it appropriate for the Tahsildar to keep the citizen waiting in suspense. The Tahsildar, the fifth respondent is now required to fix a date in the first week of February, 2021 for conducting an enquiry and to issue necessary notices to the parties concerned.

7 This Court understands that as per the procedure, the Tahsildar has to issue necessary directions to Firka Surveyor attached to his Office, who in turn has to issue notice under Section 9 of the Tamil Nadu Survey and Boundaries Act, 1923, to all the parties who are likely to be affected by the demarcation now sought to be made. The process of service of notices should be completed well in advance and the date must be fixed sometime in the first week of February, 2021 as indicated above. Upon such exercise and enquiry thereafter, the Tahsildar/fifth respondent shall provide the parties a fair and effective hearing and to dispose the matter through a speaking order within a period of eight(8) weeks from the date of receipt of a copy of this order, in accordance with law.

8. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

- 1.The District Collector
Collector Office
Tiruvarur.
- 2.The Assistant Director of Survey
Assistant Land Survey Office
Collector Office Complex
Tiruvarur.
- 3.The District Surveyor
Assistant Land Survey Office
Collector Office Complex
Tiruvarur.
- 4.The Commissioner
Tiruvarur Municipality
Collector Office Complex
Tiruvarur.
- 5.The Tahsildar
Tahsildar Office
Tiruvarur.

+1cc to M/s.J.Nandagopal, Advocate SR.148
+1cc to the Government Pleader SR.178

W.P.No.20021 of 2020

SR II (CO)
CB(08/01/2021)

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