



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 23127 of 2021

T. Karthikeyan

.. Petitioner

Versus

1. The Tahsildar
Thiruvannamalai
Thiruvannamalai District 606 601.
2. Block Development Officer
Block Office, Vengaical Taluk,
Thiruvannamalai District 606 601.
3. Mr. Dhandapani

.. Respondents

Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 16.08.2021.

For Petitioner	:	Mr. B. Nedunchezhiyan
For Respondents	:	Mr. Stalin Abhimanyu Government Counsel for R1 Mr. C. Harsha Raj for R2

ORDER

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus directing the second respondent to consider his representation dated 16.08.2021.

2. According to the petitioner, the property bearing (i) Survey Number No. 69/1 to an extent of 36 1/4 sq.ft. (ii) Survey Number 16/1 measuring 128 1/4 square feet and (iii) Survey Number 64/2 measuring 0.01 1/2 square feet, totalling 1144 1/2 sq.ft. Situated at Nochimalai Village, Thiruvannamalai Taluk,



Thiurvannamalai District was purchased by his uncle by name Ponnurangam along with his two brothers through a registered sale deed dated 18.5.1946. From the date of such purchase, the petitioner's uncle was in possession and enjoyment of the above property. Subsequently, the petitioner's uncle and his brothers have partitioned the property among themselves. Thereafter, his uncle executed a Will dated 01.08.2018 registered as document No. 97 of 2013, bequeathing certain property in favour of the petitioner and he is in possession and enjoyment of the property. While so, the third respondent, who is the owner of property bearing S.No.69/1A1, attempted to encroach upon his land. Further, the respondents 1 and 2 are also attempting to utilise the property of the petitioner to the extent of 400 square feet for the purpose of formation of a road. The petitioner therefore submitted his objection in the form of a representation on 16.08.2021 before the first respondent, but till date there is no response. Hence the petitioner has filed the present writ petition for the aforesaid relief.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case and having regard to the submissions made on either side, the first respondent is directed to consider the petitioner's representation dated 16.08.2021 on merits and in accordance with law. The petitioner is also directed to furnish a copy of the representation dated 16.08.2021 to the first respondent along with a copy of this order within a period of two weeks. On receipt of the same, the first respondent is directed to conduct an enquiry, afford opportunity to the petitioner as well as the third respondent and pass orders on merits and in accordance with law within a period of four weeks thereafter.

5. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

msr/rsh



To

1. The Tahsildar,
Thiruvannamalai,
Thiruvannamalai District 606 601.

2. Block Development Officer
Block Office
Vengaical Taluk,
Thiruvannamalai District 606 601.

+1cc to M/s.B.Nedunchenzhiyan, Advocate, S.R.No.56061

+1cc to the Government Pleader, Advocate, S.R.No.56642

WP No. 23127 of 2021

RSV(CO)
SU(24/11/2021)