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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.2780 of 2022

Syboon Beevi

...Petitioner

Vs.

- 1.The Chief Secretary,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Tirunelveli.
- 3.The Commissioner,
Corporation of Tirunelveli,
Tirunelveli.
- 4.The Tahsildar,
Palayamkottai.
- 5.The Town Sub Inspector,
(Survey Department)
Palayamkottai Ward,
Tirunelveli.

6.K.Syed Abbas

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 4 and 5 to consider my representation 30.12.2021, consequently forbearing the 6th respondent from interfering with the peaceful possession and enjoyment of my property at No.6-B, Kariyanayanar Street, Old Military line, Palayamkotti, either by putting any compound wall or in any other manner, in pursuance of the Survey conducted by 5th respondent, in FLA Petition No.102/2021 dated 24.12.2021.



For Petitioner : Mr.C.Mohanraj

For Respondents : Mr.M.Murali
Government Advocate

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O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondents 4 and 5 to consider the petitioner's representation dated 30.12.2021, and consequently forbear the 6th respondent from interfering with the peaceful possession and enjoyment of the petitioner's property at No.6-B, Kariyanayanar Street, Old Military line, Palayamkotti, either by putting any compound wall or in any other manner, in pursuance of the Survey conducted by 5th respondent, in FLA Petition No.102/2021 dated 24.12.2021.

2. The learned Government Advocate takes notice for the official respondents. Since, no adverse order is being passed against the sixth respondent, notice to the sixth respondent is dispensed with.

3. The case of the petitioner is that the petitioner is the owner of the property, secured through a gift deed dated 06.05.1982. The private respondent is trying to encroach upon petitioner's property by unauthorized erecting a wall. While so sixth respondent approached the official respondents to conduct a survey, and survey was conducted on 29.12.2021 at the instigation of the sixth respondent. Thereafter the fifth respondent concluded the survey. The petitioner made a representation objecting to the survey however, till date no orders have been passed on the said representation. Hence, this Writ petition is filed with the above said prayer.

4. The learned Government Advocate appearing on behalf of the respondent submits that the petitioner's representation dated 30.12.2021 will be considered by the Respondents within the time frame fixed by this Court.

5. Considering the facts and circumstances, the respondents are directed to consider the petitioner's representation dated 30.12.2021 and pass orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Psa

To

- 1.The Chief Secretary,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Tirunelveli.
- 3.The Commissioner,
Corporation of Tirunelveli,
Tirunelveli.
- 4.The Tahsildar,
Palayamkottai.
- 5.The Town Sub Inspector,
(Survey Department)
Palayamkottai Ward,
Tirunelveli.

+1 CC to Mr.C.Mohanraj, Advocate sr 10061.

W.P. No.2780 of 2022

SVI (CO)
SP(08/03/2022)