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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5797 OF 2022

M.Sampath Kumar

... Petitioner

vs.

1. The Tahsildar,
Mettupalayam,
Coimbatore District.
2. The Head Surveyor,
Taluk Office,
Mettupalayam,
Coimbatore District.
3. The Assistant Director of Survey,
District Collectorate,
Coimbatore - 641 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 26.10.2021 and also the online application No.2021/0105/12/247131 dated 26.10.2021 for sub-division of the property measuring an extent of 8 cents comprised in S.No.770, presently S.No.770/2, situated at Karamdai Village, Mettupalayam Taluk, Coimbatore District and to issue separate patta in the name of the petitioner based on the survey sketch dated 20.10.2021 issued by the Taluk Deputy Inspector of Survey, Mettupalayam within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.R.P.Murugan Raja
Government Advocate



ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 26.10.2021 for sub-division of the property measuring an extent of 8 cents comprised in S.No.770, presently S.No.770/2, situated at Karamdai Village, Mettupalayam Taluk, Coimbatore District and to issue separate patta in the name of the petitioner based on the survey sketch dated 20.10.2021 issued by the Taluk Deputy Inspector of Survey, Mettupalayam within the time to be stipulated by this Hon'ble Court.

2. The case of the petitioner is that, originally one K.Muthusamy, father of the petitioner is the owner of the property in S.No.770 new S.No.770/2, situated in the above said Village. After the demise of said Muthusamy, his legal heirs inherited the property from him. While that being so, out of the total extent of 2.25 acres, an extent of 2.11 acres were already in favour of one Chandra Ruban i.e., sister of the petitioner and Ruban Sukumar respectively and the remaining portion of land measuring an extent of 14 cents were in peaceful possession and enjoyment of the petitioner. Due to the hindrance of the above said persons who illegally attempted to trespass the property of the petitioner, he made a representation to the 1st respondent dated 26.10.2021 to survey, measure and fix the boundary for the land in above said survey number based on the documents and deeds existing. Since the respondents have not acceded to the petitioner's representation, he filed the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 26.10.2021 and pass orders on merits within a particular time frame that may be fixed by this Court.

4. The Additional Government Pleader for respondents has no objection for said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 26.10.2021 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to



the petitioner and aggrieved persons if any within a period of twelve weeks from the date of receipt of a copy of this order.

7. This writ petition is accordingly disposed of. No costs.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rap/sk

To

1. The Tahsildar,
Mettupalayam,
Coimbatore District.
2. The Head Surveyor,
Taluk Office,
Mettupalayam,
Coimbatore District.
3. The Assistant Director of Survey,
District Collectorate,
Coimbatore - 641 018.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.17385

+1cc to the Government Pleader, S.R.No.17746

W.P.No.5797 of 2022

GPL (CO)

PM/07/04/2022