

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5687 OF 2022

Azath Ali

... Petitioner

vs.

1. The Tahsildar,
Office of Tahsildar,
Koliyanur Taluk,
Villupuram District.
2. The Assistant Director,
Department of Survey and Lands Records,
Collectorate Building,
Villupuram District.
3. The Taluk Surveyor,
Taluk Office,
Koliyanur Taluk,
Villupuram District.
4. The Head Surveyor,
Survey and Lands Records,
Collectorate Building,
Villupuram District.
5. Alauthin

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to consider the application/representation of the petitioner dated 04.02.2022 and to survey and demarcate the property admeasuring an extent of 93 cents comprised in Survey No.153/5A1 situated at Panampattu Village, Koliyanur Taluk, Villupuram Joint 2 Sub Registrar registration District, Villupuram District within a time frame as may be stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Sai Krishnan
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 2nd respondent to consider the application/representation of the petitioner dated 04.02.2022 and to survey and demarcate the property admeasuring an extent of 93 cents comprised in Survey No.153/5A1 situated at Panampattu Village, Koliyanur Taluk, Villupuram Joint 2 Sub Registrar registration District, Villupuram District within a time frame as may be stipulated by this Hon'ble Court.

2. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that, petitioner's father, one Natherthabaralam was the absolute owner of the property in S.No.153/5A1 of an extent of 93 cents situated at above said Village. After the demise of said Natherthabaralam, the above said property was inherited to petitioner and his brothers. While that being so, the 5th respondent who is the adjacent land owner was attempting to encroach the above said land. Thereafter, petitioner made a representation to the respondents 1 to 4 herein dated 04.02.2022. Since no action has been taken by the respondents 1 to 4, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 2nd respondent to consider the petitioner's representation dated 04.02.2022 and pass orders on merits within a particular time frame that may be fixed by this Court.

5. The learned Special Government Pleader for respondents 1 to 4 has no objection for said order being passed.

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

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 2nd

respondent to consider the petitioner's representation dated 04.02.2022 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner and 5th respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rap/sk

To

1. The Tahsildar,
Office of Tahsildar,
Koliyanur Taluk,
Villupuram District.
2. The Assistant Director,
Department of Survey and Lands Records,
Collectorate Building,
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3. The Taluk Surveyor,
Taluk Office,
Koliyanur Taluk,
Villupuram District.
4. The Head Surveyor,
Survey and Lands Records,
Collectorate Building,
Villupuram District.

+1cc to M/s.T.Sai Krishnan, Advocate, S.R.No.17642

+1cc to the Special Government Pleader, S.R.No.18334

W.P.No.5687 of 2022

SKM(CO)
RLP(04/04/2022)