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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

W.P.No.6968 of 2022

P.Nanjappan

...Petitioner

Vs

1.The District Collector,
Erode District.

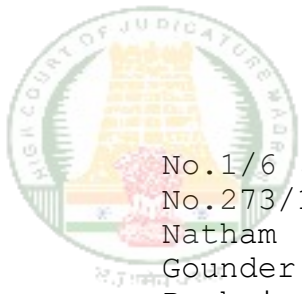
2.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Sathyamangalam Taluk,
Sathyamangalam,
Erode District.

4.The Taluk Head Surveyor,
Sathyamangalam Taluk,
Sathyamangalam,
Erode District.

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to take action to dispose of the petitioner's representation dated 10.02.2022, submitted with regard to survey the petitioner's land by meets and bounds land properties of an total extent of 25 cents (10900 sq.ft/1012.64 sq.metre) in Survey No.273/1, new Natham Survey No.273/2B3, with specific boundaries of North by common cart track, South by land belongs to legal heirs of Seenappa Gounder, East by land and Well belongs vendor and West by House belonged to legal heirs of Seenappa Gounder and Vacant land, along with a Mangalore terracotta House, electricity connection, along with enjoyment right of 14 feet width cart track comes from Urkattu to Palanichamy's land and 12 feet cart track leads to vendors land towards Southern side have been using for lorry, tractors also for heavy vehicles and other common pathway which is used for using to reach the said House and along with its enjoyment rights and Electricity service connection No.76 situated in Door



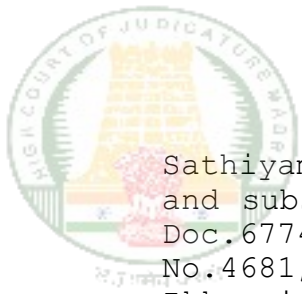
No.1/6 and an extent of 1383 sq.ft (128.77 sq.metres) in Survey No.273/1A, R.S.No.273/1B1, R.S.No.273/1B2, R.S.No.273/1B3, Natham No.273/1C, bounded on North by House belongs to Avanasi Gounder @ K.P.Muthusamy, South by vacant land belongs to Pachaiyammal and others, East by Thenvadal pathai, West by belongs to Avanasi Gounder @ K.P.Muthusamy, admeasuring East to West 33 feet and North to South 42 feet along with enjoyment right to South to North pathway on eastern side, by way of registered Sale Deed dated 02.01.2020 in Doc.No.19/2020 at Sub-Registrar, Sathiyamangalam from one Mr.Peryagounder S/o.Chinniya Gounder and subsequent rectification deed dated 08.11.2021 registered in Doc.6774/2021 at Sub-Registrar, Sathiyamangalam, vide Patta No.4681, 282, 742 comprised in Old Survey No.273/1 in Ikkarainegamam Village, Sathiyamangalam Taluk, Erode District by making proper sub-division.

For Petitioner : Mr.V.Logeswaren

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to take action to dispose of the petitioner's representation dated 10.02.2022, submitted with regard to survey the petitioner's land by meets and bounds land properties of an total extent of 25 cents (10900 sq.ft/1012.64 sq.metre) in Survey No.273/1, new Natham Survey No.273/2B3, with specific boundaries of North by common cart track, South by land belongs to legal heirs of Seenappa Gounder, East by land and Well belongs vendor and West by House belonged to legal heirs of Seenappa Gounder and Vacant land, along with a Mangalore terracotta House, electricity connection, along with enjoyment right of 14 feet width cart track comes from Urkattu to Palanichamy's land and 12 feet cart track leads to vendors land towards Southern side have been using for lorry, tractors also for heavy vehicles and other common pathway which is used to reach the said House and along with its enjoyment rights and Electricity service connection No.76 situated in Door No.1/6 and an extent of 1383 sq.ft (128.77 sq.metres) in Survey No.273/1A, R.S.No.273/1B1, R.S.No.273/1B2, R.S.No.273/1B3, Natham No.273/1C, bounded on North by House belongs to Avanasi Gounder @ K.P.Muthusamy, South by vacant land belongs to Pachaiyammal and others, East by Thenvadal pathai, West by belongs to Avanasi Gounder @ K.P.Muthusamy, admeasuring East to West 33 feet and North to South 42 feet along with enjoyment right to South to North pathway on eastern side, by way of registered Sale Deed dated 02.01.2020 in Doc.No.19/2020 at Sub-Registrar,



Sathiyamangalam from one Mr.Peryagounder S/o.Chinniya Gounder and subsequent rectification deed dated 08.11.2021 registered in Doc.6774/2021 at Sub-Registrar, Sathiyamangalam, vide Patta No.4681, 282, 742 comprised in Old Survey No.273/1 in Ikkarainegamam Village, Sathiyamangalam Taluk, Erode District by making proper sub-division.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition, on the consent expressed by the Learned counsel appearing for either side, taken up for final disposal.

3. The case of the petitioner is that, the petitioner is the owner of the property of the above said lands. Now, in order to sub-divide the above said properties, the petitioner made a representation dated 10.02.2022, to survey the above said properties and also paid the requisite fees. However, till date no order has been passed on the same. Hence, this present petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the third respondent to consider the petitioner's representation for surveying the disputed properties and pass orders on the same within a particular time frame fixed by this Court.

5. The learned Government Advocate has no objection for said order being passed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the third respondent to consider the petitioner's representation dated 10.02.2022, after affording an opportunity of hearing to the petitioner and the aggrieved persons, if any, pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar



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To

1.The District Collector,
Erode District.

2.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Sathyamangalam Taluk,
Sathyamangalam,
Erode District.

4.The Taluk Head Surveyor,
Sathyamangalam Taluk,
Sathyamangalam,
Erode District.

+1cc to Government Pleader SR. No. 22699

+2ccs to Mr.V.Logeswareen, Advocate SR. No. 21517

WP.No.6968 of 2022

SKM (CO)
PR (19/04/2022)