



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6183 of 2022

Jayakumar

... Petitioner

vs.

1. The District Collector,
Collector Office,
Salem District.
2. The Revenue Divisional Officer,
Attur,
Pethanaickenpalayam Taluk,
Salem District.
3. The Tahsildar,
Pethanaickenpalayam Taluk,
Salem District.
4. The Firka Surveyor,
Pethanaickenpalayam Taluk,
Kumarapalayam Village,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to conduct survey in Survey No.93/6B admeasuring about 0.64 cents situated at Kumarapalayam Village, Pethanickenpalayam Taluk, Salem District and grant such other relief.

For Petitioner : Mr.K.Gurusmay Raja
For Respondents : Mr.V.Veluchamy
Additional Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to conduct survey in Survey No.93/6B admeasuring about 0.64 cents situated at Kumarapalayam Village, Pethanickenpalayam Taluk, Salem District.

2. The case of the petitioner is that the property in S.Nos.9/3, 8/5, 93/6b, 93/3, 93/4b situated in Kumarapalayam



Village originally belonged to one late A.Balakrishnan i.e., father of the petitioner in the year 1981. Thereafter, said Balakrishnan executed a power of attorney in favour of the petitioner and other legal heirs of said Balakrishnan. While that being so, the legal heirs and wife of said Balakrishnan entered into a registered partition deed dated 19.03.1993 and the petitioner was allotted 0.64 cents in S.No.93/6B as per the registered partition deed which was executed between the legal heirs of said Balakrishnan. Thereafter, the petitioner made representation before the 3rd respondent and the same was forwarded to the 4th respondent for sub-division of the above said property of an extent of 64 cents. Since the respondents have not acceded to the petitioner's representation, he has come up with 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 to survey the land in S.No.93/6B of an extent of 64 cents and he has also paid the necessary fee to that effect on 14.09.2018 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 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.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rap/sk



To

1. The District Collector,
Collector Office,
Salem District.

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Salem District.

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4. The Firka Surveyor,
Pethanaickenpalayam Taluk,
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Salem District.

+1cc to Mr.R.Raja rajan, Advocate, S.R.No.18610

W.P.No.6183 of 2022

RK(CO)
CT 19/04/2022