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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10220 OF 2022

AND

W.M.P.NOS.9925 AND 9927 OF 2022

C.Sagunthala

... Petitioner

.Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Tahsildar,
Pennagaram Taluk Office,
Pennagaram Taluk,
Dharmapuri District,
Pincode - 636 810.
3. The Head Surveyor,
Pennagaram Taluk Office,
Pennagaram Taluk,
Dharmapuri District,
Pincode - 636 810.
4. The Village Administrative Officer,
Sunjalnathatham Revenue Village,
Pennagaram Taluk,
Dharmapuri District,
Pincode - 636 810.
5. The Inspector of Police,
Eriyur Police Station,
Pennagaram Taluk,
Dharmapuri District,
Pincode - 636 810.

6. D.Rajasekar

... Respondents



PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent herein to survey and measure the property in Survey Number 393/1B1, in Patta Number 270, Sunjalnaththam Village, Pennagaram Taluk, Dharmapuri District as per the petitioner survey Application dated 15.02.2022.

For Petitioner : Mr.C.Palanisamy

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed seeking for an issuance of a writ of Mandamus to direct the second respondent herein to survey and measure the property in Survey Number 393/1B1, in Patta Number 270, situate in the Sunjalnaththam Village, Pennagaram Taluk, Dharmapuri District as per the petitioner's survey Application dated 15.02.2022.

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

3. The case of the petitioner is that petitioner's husband purchased a house site comprised in above said survey number situated in the said Village measuring an extent of 881 sq.ft. vide registered Sale Deed dated 15.03.2006. Thereafter, petitioner's husband executed a Settlement Deed in favour of the petitioner and her son namely Premkumar in the year 2021. Due to the hindrance given by the 6th respondent, the petitioner made an application / representation to the 1st respondent to measure the above said land on 15.02.2022 and the same was presented before the 2nd and 3rd respondents. Since the same was not considered by the respondents, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation/representation dated 15.02.2022 and pass orders on merits within a particular time frame to be fixed by this Court.

5. The learned Additional Government Pleader appearing for respondents 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. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the 2nd respondent to consider the said representation of the petitioner dated 15.02.2022 and pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as private respondent, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the 2nd respondent to decide the same at the time of disposing of the said representation purely on merits.

8. With the above observations and direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rap

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Tahsildar,
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5. The Inspector of Police,
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Pennagaram Taluk,
Dharmapuri District,
Pincode - 636 810.

+1cc to the Government Pleader, S.R.No.30442

W.P.NO.10220 OF 2022

SKM(CO)
PBS/19/05/2022