

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.14902 of 2022

C.Sivakumar

...Petitioner

vs.

1. The Tahsildar,
Taluk Office,
Kodumudi,
Erode District.
2. The Taluk Surveyor (Land Survey),
Taluk Office,
Kodumudi,
Erode District.
3. The Village Administrative Officer,
Avudaiyar Parai,
Kodumudi Taluk,
Erode District.
4. Subramani
5. The Inspector of Police,
Kodumudi Police Station,
Kodumudi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to instruct the 2nd respondent to Survey and demarcate the boundary of petitioner's land situated at S.F.No.67/5 to an extent of 2.83 Acres and patta No.97 situated at Nagamanaickanpalayam Village, Avudaiyar Parai (Post), Kodumudi Taluk, Erode District with the aid of the 5th respondent within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.N.Umapathi

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 first respondent to instruct the second respondent to Survey and demarcate the boundary of petitioner's land in S.F.No.67/5 of an extent of 2.83 Acres and patta No.97 situated at Nagamanaickanpalayam Village, Avudaiyar Parai (Post), Kodumudi Taluk, Erode District with the aid of the 5th respondent within a time frame to be fixed by this Court.

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, originally the property in S.F.No.67/5 of an extent of 2.83 Acres situated in above said Village belongs to one Late Chandrasekaran i.e., father of the petitioner. On 03.06.2022, the petitioner's father died leaving behind his legal heirs. While so, the petitioner and other legal heirs of said Chandrasekaran, had entered into a partition deed and the "B" schedule property was allotted to the petitioner. Suddenly, the adjacent land owner namely the fourth respondent had constructed a wall in the petitioner's property. While so, he made a representation dated 20.05.2022, before the first respondent to survey and demarcate the boundary of his land. Since the same has not been considered, 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 first respondent to consider the petitioner's representation dated 20.05.2022 and pass orders on merits within a particular time frame to be fixed by this Court.

5.The learned Government Advocate 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 first respondent to consider the said representation of the petitioner dated 20.05.2022 and pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as the private respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

RAP

To

1. The Tahsildar,
Taluk Office,
Kodumudi,
Erode District.
2. The Taluk Surveyor (Land Survey),
Taluk Office,
Kodumudi,
Erode District.
3. The Village Administrative Officer,
Avudaiyar Parai,
Kodumudi Taluk,
Erode District.
4. The Inspector of Police,
Kodumudi Police Station,
Kodumudi.

+1cc to M/s.N.Umapathi, Advocate, S.R.No.36024

+1cc to the Government Pleader, S.R.No.37199

W.P.No.14902 of 2022

VG-II (CO)
RGA(27/07/2022)