

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.15311 OF 2022

Mani

...Petitioner

Vs.

1.The District Collector,
Erode District.

2.The Thasildar, (Revenue)
Kodumudi Taluk,
Kodumudi.

3.A.Chinnasamy

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st and 2nd respondents to consider the petitioner's representation dated 23.12.2021 in accordance with law and stipulated time that may be fixed by this Court.

For Petitioner : Mr.G.Pavendhan

For Respondents : Mr.Sathish
Additional Government Pleader

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 resurvey the land of the petitioner in Survey.No.360/6B, of an extent of 0.30 punjai acre which was situated at Kilambadi Village, 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, the petitioner's father purchased the property in Resurvey No.360/6 measuring an extent of 0.30 punjai acre situated in above said Village from

the 3rd respondent. After the demise of the petitioner's father, the petitioner was in possession and enjoyment of the above said property. Surprisingly, the petitioner's land was subdivided in survey No.360/6B, but its extent is below 0.30 cents of petitioner's property. Accordingly, name of the 3rd respondent is shown in sub division survey No.360/7 in revenue records. Therefore, the petitioner made a representation dated 23.12.2021 before the second respondent to resurvey the petitioner's land as per the sale deed dated 13.12.1985 executed by his father. 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 second respondent to consider the petitioner's representation dated 23.12.2021 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 second respondent to consider the said representation of the petitioner dated 23.12.2021 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-IV)

// True Copy //

Sub Assistant Registrar

ep/rap

To

1.The District Collector,
Erode District.

2.The Thasildar, (Revenue)
Kodumudi Taluk,
Kodumudi.

+1cc to Mr.G.Pavendhan, Advocate Sr.No.38389

+1cc to the Government Pleader Sr.No.38298

W.P.No.15311 of 2022

SKM(CO)
RVM(11/07/2022)