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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.40006 OF 2016

A.Sakthi

...Petitioner

vs.

1. The District Collector,
Vellore District,
At Vellore.
2. The Revenue Divisional Officer,
Thirupattur,
Vellore District.
3. The Tahsildar,
Vaniyampadi Taluk,
Vellore District.
4. The District Surveyor,
Vellore District,
At Vellore.
5. The Taluk Head Surveyor,
Vaniyampadi Taluk,
Vellore District.

6. Munusamy
(impleaded vide order dated 19.04.2022
in W.M.P.No.16081 of 2021 in
W.P.No.40006 of 2016)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to measure the property situated in Survey Nos.202/3-1, 202/3-2, Kothakottai Village, Vaniyampadi Taluk, Vellore District totally to an extent of 12 cents and earmark the same by erecting



milestones by considering the petitioner's representation dated 15.07.2016.

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For Petitioner : Mr.A.Rajesh Kanna
For Respondents : Mr.P.Sathish
Additional Government Pleader
for RR1 to 5

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to measure the petitioner's property, of an extent of 12 cents comprised in Survey Nos.202/3-1, 202/3-2, situated at Kothakottai Village, Vaniyampadi Taluk, Vellore District and earmark the same by erecting milestones by considering the petitioner's representation dated 15.07.2016.

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, namely Ammavasai Gounder acquired the property of an extent of 12 cents from his father one Duraisamy Gounder, comprised in S.Nos.202/3-1 and 202/3-2 situated in above said Village. After the demise of said Ammavasai Gounder, petitioner and other legal heirs of Ammavasai Gounder are entitled to enjoy the said property. When the petitioner came to know that the Patta was issued in favour of third parties in respect of S.Nos.202/3-3 and 202/3-4, he made a representation to the 3rd respondent / Tahsildar on 15.07.2016 for measurement of the subject property and the same was forwarded to the 5th respondent. Since no action has been taken 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 respondents to consider the petitioner's representation dated 15.07.2016 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 1 to 5 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 respondents 3 to 5 to consider the petitioner's representation dated 15.07.2016 and dispose of the same, 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 12 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

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Vellore District,
At Vellore.
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4. The District Surveyor,
Vellore District,
At Vellore.
5. The Taluk Head Surveyor,
Vaniyampadi Taluk,
Vellore District.



+1cc to Mr.A.Rajesh Kanna, Petitioner Advocate, S.R.No.26511
+1cc to the Government Pleader, S.R.No.27331

W.P.No.40006 of 2016

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NR(CO)
AJ(07/06/2022)