



W.P(MD)No.6963 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.6963 of 2021

S.Arunachalam

..Petitioner

Vs

- 1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.
- 2.The Zonal Sub-Inspector,
Thachanallur Zone,
Tirunelveli Corporation Office,
S.N.High Road,
Tirunelveli Town,
Tirunelveli-627 001.
- 3.The Town Surveyor,
Tirunelveli Corporation Office,
S.N.High Road,
Tirunelveli Town,
Tirunelveli.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to receive the application and its fee for surveying the house property of the petitioner situated at T.S.No.1448, T.S.Ward AD, Block-10 in Karuvelangundu Street, Tirunelveli Town, Tirunelveli.

For Petitioner :M/sK.Abiya

For Respondents :Mr.Aayiram K.Selvakumar



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ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents to receive the application and its fee for surveying the house property of the petitioner situated at T.S.No.1448, T.S.Ward AD, Block-10 in Karuvelangundu Street, Tirunelveli Town, Tirunelveli.

2.Mr.Aayiram K.Selvakumar, learned Standing Counsel takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner's case is that he is the owner of the property through his ancestors, situated in Eastern side of entire T.S.No.1448 and 1459 at Karuvelangundu Street, Tirunelveli Town, Tirunelveli. In the year 1974, the petitioner's father Sivanu Konar and his brother filed the civil suit in O.S.No.104 of 1974, on the file of the District Munsif Court, Tirunelveli for permanent injunction. The said suit was decreed in favour of the petitioner's father. Aggrieved against the said judgment and decree, the defendant Muthukrishna Konar filed the appeal in A.S.No.135 of 1977, on the file of the Sub Court, Tirunelveli. The said first appeal was also allowed by judgment and decree, dated 21.08.1978. Thereafter,



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the said Muthukrishna Konar filed S.A.No.409 of 1979 and the second appeal was also dismissed by this Court by judgment and decree dated 28.06.1979. In the meantime, in the month of September 2020 the legal heirs of Muthukrishna Konar sold their property situated in T.S.No.1445 at Karuvelangundu Street, Tirunelveli Town, Tirunelveli to one Saraswathi, W/o.Pattu @ Pattamuthu. After purchasing the property, the said Pattu @ Pattamuthu constructing the new building and encroached the petitioner's pathway. Therefore, on 05.03.2021 the petitioner approached the Town surveyor, Tirunelveli Corporation, Tirunelveli and wanted to pay the fee for survey the house property. But, the Town Surveyor is not ready to receive the fee of the petitioner for surveying the property. Thereafter, the petitioner has sent his representation on 06.03.2021 to the respondents. But the said representation was not considered by the respondents 1 & 2 and hence, the Petitioner has approached this Court seeking interference by this Court.

3.In view of the above said facts and circumstances, this Court directs the respondents 1 & 2 to consider the case of the Petitioner based on the representation submitted by him on 06.03.2021 and to receive the application and its fee for surveying the house property of the petitioner situated at T.S.No.1448, T.S.Ward AD, Block 10 in Karuvelangundu Street, Tirunelveli Town, Tirunelveli and pass appropriate



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orders in accordance with Law, within a period of 4 weeks from the date of receipt of a copy of this order.

4. With the above directions, the Writ Petition stands disposed of. No costs.

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Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN,J

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