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W.P.No.9500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.9500 of 2023

S.Palanichamy

... Petitioner

Vs.

1. The District Collector,
Salem District.

2. The Tahsildar,
Sankari Taluk,
Salem District.

3. The Assistant Director,
Land Survey and Records,
Collectorate Office,
Salem District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 08.08.2022, 31.01.2023 and 21.02.2023 and consequently directing the Taluk Surveyor to measure the property in 0.10 cents in survey No.342/9 of Karuman Poosari Street, Ponnampalayam, Koneri patti



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Agraharam, Sankari Taluk, Salem District and fix the boundary line.

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For Petitioner : Mr.K.Mahendran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 08.08.2022, 31.01.2023 and 21.02.2023, within a stipulated time.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader, takes notice for the respondents. By consent of both sides counsel, this Writ Petition is taken up for passing orders at the stage of admission itself.

3. It is averred in the writ petition that the petitioner is the Ooru Goundar of the Karuman Poosari Theru, Ponnampalayam and trustee of Sri Pudhumari Amman Kovil. The petitioner's family owned a land, which is situated adjacent to the said temple, measuring about 0.10 cents, which stands in the name of the



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petitioner's father, brother and the petitioner himself.

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4. The petitioner would submit that the people living in the Kovil street requested the petitioner to sell his property to the Temple for the purpose of future development of the said Temple. Accordingly, the petitioner sold the said 0.10 cents in Survey No.342/9 of Koneraipatti Agraharam village to the temple and the same has been registered as document No.358 of 81 on 10.03.1981.

5. Over a period of time, the old trustees of the Temple have expired and the remaining trustees decided to reconstitute the Temple and such a decision was taken on 15.03.2001. Due to encroachments made by some of the people in and around the temple, the petitioner and other villagers decided to measure the property purchased by the temple during the year 1981. Subsequently, the petitioner also paid the necessary amount for measuring the property on 08.08.2022 and submitted a petition to the second respondent.



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6. According to the learned counsel for the petitioner, the respondent failed to measure the property till 30.01.2023. Thereafter, the petitioner sent a reminder representation dated 31.01.2023 to the second respondent. Even then, there was no response from the respondents till 20.02.2023. The learned counsel for the petitioner further submits that even though the respondents received the original representation on 08.08.2022 and the reminder representations dated 31.01.2023 & 21.02.2023 by the second respondent on 31.01.2023 and by the first respondent on 23.02.2023, till date the respondents have not considered the same. Therefore, the present Writ Petition has been filed for a direction to the respondent to act upon the representations.

7. Mr.Yogesh Kannadasan, learned Special Government Pleader, appearing on behalf of the respondents submitted that eight weeks time may be stipulated to the respondents to consider the request of the petitioner and for passing necessary orders.

8. Considering the facts and circumstances of the case and the



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submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 08.08.2022, 31.01.2023 and 21.02.2023 and act on the petitioner's representation in accordance with law, within a period of eight (08) weeks from the date of receipt of a copy of this order.

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

28.03.2023

sts

Index: Yes /No

Internet: Yes/No

Neutral Citation: Yes/No

To:

1. The District Collector,
Salem District.

2. The Tahsildar,
Sankari Taluk,
Salem District.

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sts

3. The Assistant Director,
Land Survey and Records,
Collectorate Office,
Salem District.

Order made in
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Dated:
28.03.2023