

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19134 of 2015

and

M.P.No.1 of 2015

K.S.Mohanasundaram

.. Petitioner

- Vs -

1. The Thasildar
Perundurai Taluk,
Erode District.

2. Kuppusamy

3. Ponnusamy

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 28.05.2015 made in Na.Ka.No.5635/2015/S1 on the file of the 1st respondent, quash the same and consequently direct the 1st respondent to measure and demarcate petitioner's property situated in S.F.No.882/1B and 882/2B2, Vadamugam Village, Perundurai Taluk as per the documents and revenue records.

Petitioner : Mr.R.Prabakar

For Respondent 1 : Mr.M.Digvijaya Pandian
Additional Government Pleader

सत्यमेव जयते
O R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner claims that he is the owner of the property measuring an extent of 4.40 acres in S.F.Nos.882/1B and 882/2B2 of Vadamugam Vellode Village. He submitted an application dated 21.11.2013 to the first respondent praying to measure the above said property and he also paid the prescribed fees. The property was measured by the first respondent and at the time of measurement, it was objected to by the respondents 2 and 3. According to the petitioner, on account of the objections raised by the respondents 2 and 3, the first respondent did not proceed to measure the property and passed an order dated 02.07.2014 refusing to measure the

property. The said order was challenged in W.P.No.6373 of 2015, wherein, this Court set aside the order and directed the first respondent to conduct fresh enquiry and pass orders. Thereafter, the first respondent passed the impugned order dated 28.05.2015, reiterating the very same reasons and challenging the legality of the same, the petitioner has filed this writ petition.

3. Heard the submissions of Mr.R.Prabakar, learned counsel appearing for the petitioner and Mr.M.Digvijaya Pandian, learned Additional Government Pleader accepts notice for the first respondent.

4. Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 speaks about the powers of the survey officer to determine and record a disputed boundary and any person affected by the said decision under Sections 9 and 10, may file an appeal under Section 11 of the said Act to the prescribed officer.

5. In the light of the availability of alternative remedy, the petitioner has to approach the prescribed authority under Section 11 of the Act.

6. In the result, the writ petition is disposed of and the petitioner is at liberty to file an appeal under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923 before the prescribed authority within a period of two weeks from the date of receipt of a copy of this order and the said Authority on receipt of the appeal, may entertain the same if the papers are otherwise in order and dispose of the appeal after putting on notice the persons concerned and pass orders as expeditiously as possible not later than six weeks thereafter and communicate the decision taken, to the petitioner as well as the concerned persons. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar

True Copy

Sub Assistant Registrar

To

The Thasildar
Perundurai Taluk,
Erode District.

+1 cc to Mr.K.Prabhakar, Advocate,Sr.21715

+1 cc to Government pleader,SR.32962.

Ad(co)
krd 15/7

W.P.No.19134 of 2015
and M.P.No.1 of 2015