

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.24759 of 2014

M.Baskaran

.. Petitioner

Vs.

1.The Tahsildar
Thiruvallur Taluk Office
Thiruvallur.

2.The Head Surveyor
Thiruvallur Taluk Office
Thiruvallur.

3.R.Lakshmi

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the first and second respondents to survey the petitioner property in Patta No.5268 in Survey No.3/1 at Venkathur Village, in Thiruvallur Taluk and mark the boundaries in accordance with law.

For Petitioner : Mr.S.Ramajayam

For Respondents : Mr.S.Gunasekaran - R1 & R2
Government Advocate

सत्यमेव जयते
No appearance - R3

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.S.Ramajayam, learned Counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Government Advocate appearing for first and second respondents and non appeared on behalf of the third respondent.

3.The petitioner seeks for issuance of writ of mandamus to direct the first and second respondents to survey the petitioner property in Patta No.5268 in Survey No.3/1 at Venkathur Village, in Thiruvallur Taluk and mark the boundaries in accordance with law.

4.According to the petitioner, the property in question is not the subject matter of the Suit in O.S.No.10 of 2014 and the civil litigation is between the third respondent and others. Though the petitioner's vendor has been impleaded as one of the defendants in the Suit, the petitioner's consistent case is that the property which has been purchased by him, in which patta has been granted to him does not form part of the suit schedule property.

5.It is submitted by the petitioner that he has taken steps to serve the third respondent in this writ petition in the address given in the Complaint, but the said notice has returned unserved with an endorsement 'insufficient address'.

6.It is seen that the petitioner has paid the requisite fees for conducting survey and the application has also been acknowledged by the respondents.

7.In the light of the above, without going into the merits of the petitioner's contentions, there will be a direction to the first respondent to consider the petitioner's representation after issuing notice to the petitioner, third respondent and the petitioner's vendor N.Govindan s/o Narasimmalu, and pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

rpa

To

1.The Tahsildar
Thiruvallur Taluk Office
Thiruvallur.

2.The Head Surveyor
Thiruvallur Taluk Office
Thiruvallur.

1 cc to Government Pleader, Sr. 8752
1 cc to M/s.S. Ramajayam, advocate, sr. 8645

W.P. No.24759 of 2014

PPA (CO)
kk 3/3



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