

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7506 of 2014

Venu Gounder

.. Petitioner

Vs

1.The Assistant Director,
Land Surveyor Department,
Vellore, Vellore District.

2.The Tahsildar,
Taluk Office,
Vellore District.

3.Jagadesan

4.J.Gopi

... Respondents

Prayer :-Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to measure and survey Serpadi Village, S.No.249, 3.33 cents.

For Petitioner : M/s.R.Margabandhu
For R1 and R2 : Mr.R.Govindasamy
Addl.Government Pleader
For R3 and R4 : Mr.R.Singaravelan for
M.Srividhya

सत्यमेव जयते

O R D E R

This writ petition has been filed seeking for a writ of Mandamus directing the respondents 1 and 2 to measure and survey the land in S.No.249 measuring to an extent of 3.33 cents.

2. The case of the petitioner is that his mother purchased the properties in S.No.249 measuring to an extent of 3.33 cents under the sale deeds dated 27.06.1959, 03.08.1964 and 03.08.1964 and claims that the third respondent has unauthorisedly occupied 42 cents of land therein. Hence the petitioner claims to have submitted a representation to the second respondent on 02.02.2010 for necessary action. The first respondent in his

letter dated 26.08.2013 has also directed the second respondent to take appropriate action. When the surveyor had attempted to survey the petitioner's land, the respondents 3 and 4 prevented the surveyor from measuring the land. Hence, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel for the petitioner, Mr.R.Govindasamy, learned Additional Government pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4.

4. Considering the facts and circumstances of this case and also taking note of the fact that the respondents 3 and 4 herein seems to have a claim over the property and have raised their objection to survey the land, this Court is of the view that a direction may be given to the first respondent to survey the land. Accordingly, the first respondent is directed to conduct a survey of the subject land in S.No.249 measuring to an extent of 3.33 cents, within a period of two weeks from the date of receipt of a copy of this order. The second respondent is also directed to give prior notice to the respondents 3 and 4 and permit their presence during the survey.

5. With the above direction, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar(CSVII)

True Copy

Sub-Assistant Registrar

kkd

To

1.The Assistant Director,
Land Surveyor Department,
Vellore, Vellore District.

2.The Tahsildar,
Taluk Office,
Vellore District.

+1 cc to Mrs.M.Srividhya Advocate sr 57774

+1 cc to Mr.R.Margabandhu Advocate sr 57924

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sr(co)

aa14/11/2016