



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.09.2016

Coram

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD)No.14399 of 2016

and

W.M.P. (MD) .No.10661 of 2016

P.Sakthivel

... Petitioner

-Vs-

1.The State of Tamil Nadu,
rep. By the Tahsildar,
Taluk Office,
Trichy West Taluk,
Trichy District-1.

2.The Taluk Land Surveyor,
O/o.The Taluk Land Surveyor,
Trichy West Taluk,
Trichy District.

3.The Inspector of Police,
Edamalaipatti Pudur Police Station,
Trichy District.

4.Mr.P.Vellaiammal
5.Mrs.K.Vijaya
6.Mr.P.Ponnambalam
7.Mr.P.Kannan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent Nos.1 and 2 to survey the land and mark the boundaries of the Petitioner's property in Village Survey No.158/12B, Ward AL, Block 33 Town Survey No.9/1, Situated at Prattiyyur East Village, Trichy West Taluk, Trichy District, within the stipulated time prescribed by this Hon'ble Court.

For petitioner :Mr.T.Lajapathi Roy

For Respondents :Mr.J.Gunaseelan Muthiah

**ORDER**

The petitioner has filed this writ petition seeking a direction directing the respondent Nos.1 and 2 to survey the land and mark the boundaries of his property in Village Survey No.158/12B, Ward AL, Block 33 Town Survey No.9/1, Situated at Prattiur East Village, Trichy West Taluk, Trichy District, within the time stipulated by this Court.

2. According to the petitioner, he is the owner of the property measuring an extent of 0.0644 sq. metre in Sy.No.158/12B, Ward AL, Block 33, Town Survey No.9/1, Situated at Prattiur East Village, Trichy West Taluk, Trichy District. The respondent Nos.4 to 7 herein encroached a portion of the property and they are in possession of the said property. Hence, the petitioner approached the Revenue Divisional Officer, Trichirapalli, to remove the encroachments. The Revenue Divisional Officer, Trichirapalli, by an order dated 11.09.2013, held that the respondents 4 to 7 encroached a specific portion of the land and directed them to remove the encroachment. Challenging the order passed by the Revenue Divisional Officer, Trichirapalli, the respondents 4 to 7 filed a suit in O.S.No.1259 of 2013 on the file of the District Munsif Court, Trichirapalli and the said suit is pending.

3. Since the respondents 4 to 7 are taking steps to usurp the property of the petitioner, he filed an application before the second respondent to measure the land to find out the extent of encroachment in the property.

4. Heard the learned counsel for the petitioner and the Learned Government Advocate.

5. From the order passed by the first respondent, it is learnt that the extent of encroachment has already been clearly given by the first respondent. Apart from that, the suit filed by the respondents 4 to 7, challenging the order of the Revenue Divisional Officer, Trichirapalli, is also pending. In the above circumstances, at this stage, there is no necessity to survey the land of the petitioner.

6. Hence, there is no merits in this writ petition and the same is dismissed. Consequently, connected miscellaneous petition is also dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar



To

1.The Tahsildar, State of Tamil Nadu,
Taluk Office, Trichy West Taluk,
Trichy District-1.

2.The Taluk Land Surveyor, O/o.The Taluk Land Surveyor,
Trichy West Taluk, Trichy District.

3.The Inspector of Police,
Edamalaipatti Pudur Police Station,
Trichy District.

+1CC to Mr.T.Lajapathi Roy, Advocate Sr.No.51744

+1CC to Spl.Government Pleader Sr.No.51631

GJM/GSV/PM/26.9.16-3p-6C

W.P. (md) .No.14399 of 2016
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