

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.14752 of 2017

and

WMP Nos.15982 and 18424 of 2017

S.Aravind

.. Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore North,
Thudiyalur,
Coimbatore 641 018.

3.The Tahsildar,
Coimbatore North Taluk,
Dr.Balasundaram Road,
Coimbatore 641 018.

4.Taluk Sub-Inspector of Survey,
Coimbatore North Taluk,
Dr.Balasundaram Road,
Coimbatore 641 018.

5.T.Chitra

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorari to call for the records pertaining to the impugned summons dated 07.06.2017 in Na.Ka.5121/2017/C1 issued by the third respondent and quash the same.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.P.Senthilvel for R1 to R4
Government Advocate
Mr.V.Ravi for R5

ORDER

The petitioner is aggrieved against the notice issued by the third respondent, calling upon the petitioner's father by name S.T.Sivagnanam and the fifth respondent to appear for conducting survey of the subject matter land with their relevant original documents in their possession on 14.06.2017.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

3.The petitioner and the fifth respondent are said to be closely related. It appears that the petitioner is the son of the said S.T.Sivagnanam, who in turn, is the brother of the fifth respondent. The petitioner claims title to the property based on a Will dated 24.02.2000 whereas the fifth respondent claims title to the property based on a settlement deed dated 28.09.2016. Therefore, it appears that there is a title dispute between the parties viz., the petitioner and the fifth respondent. However, the fifth respondent approached this court and filed a writ petition in W.P.No.12469 of 2017, without impleading the petitioner herein as party respondent, wherein this court directed the third respondent viz., the Tahsildar to dispose of the representation of the fifth respondent dated 25.04.2017 for measuring the land. Based on such order, the

present impugned notice was issued to the petitioner's father as well as the fifth respondent. The only grievance of the petitioner before this court is that when there is a title dispute between the parties to the subject matter property, the third respondent cannot directly survey without hearing the parties.

4.No doubt, the impugned notice indicated that the third respondent proposed to conduct the survey on 14.06.2017. Therefore, before taking a decision as to whether any survey has to be conducted or not, it is for the third respondent to get satisfied as to whether any title dispute is there between the parties. Accordingly, this writ petition is disposed of by directing both the parties to appear before the third respondent on 20.11.2017 at 10.30 a.m. with their relevant documents. The third respondent shall conduct an enquiry and decide whether to conduct survey or to direct the parties to approach the Civil Court to agitate the matter. If the third respondent finds that a civil dispute is there between the parties, he will not survey the lands. No costs. The connected miscellaneous petitions are closed.

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01.11.2017

Speaking/Non Speaking

Index:Yes/No

Note:Issue order copy on 03.11.2017.

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K.RAVICHANDRABAABU,J.

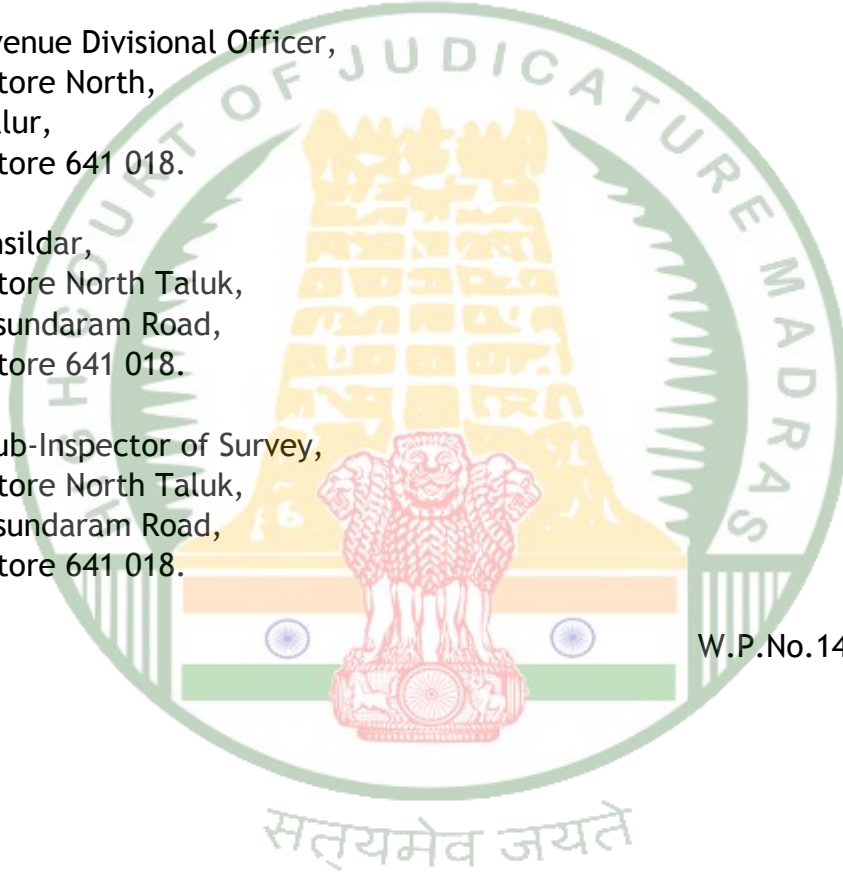
To

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