

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.29401 of 2017

Tripower Enterpirses
represented by its CEO
K.Ramalingam
No.2/569, Sandynook,
Singaravelan,
Chinnaneelankarai,
Chennai - 600 115.

...Petitioner

vs.

1. The District Surveyor,
Land Survey Registration Department,
Kancheepuram.
2. Tasildhar,
Alandhur,
Kancheepuram District.
3. The Authorized Officer,
State Bank of India,
Branch 112,
Raja Plaza,
Avinashi Road,
Coimbatore - 641 037.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to survey the property based on the sale deed under the Doc.No.368/1948 dated 23-02-1948, Doc.No.2064/1948 dated 13-10-1948, Doc.No.72/1950 dated 17-01-1950, Doc.No.153/1950 dated 31-01-1950 and Doc.No.1033/1950 dated 15-02-1950 on the file of the Sub-Registrar, Saidapet, which forms basis of the sale Certificate dated 29-04-2017 on the file of the Sub-Registrar, Alandur.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.R.Govindasamy,

Special Government Pleader for R1 and R2.
R3-Notice dispensed with.

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents 1 and 2. Since the relief sought for is against the respondents 1 and 2, notice to the 3rd respondent is dispensed with. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents to survey the property based on the sale deeds under Doc.No.368/1948 dated 23-02-1948, Doc.No.2064/1948 dated 13-10-1948, Doc.No.72/1950 dated 17-01-1950, Doc.No.153/1950 dated 31-01-1950 and Doc.No.1033/1950 dated 15-02-1950 on the file of the Sub-Registrar, Saidapet, which forms basis of the Sale Certificate dated 29-04-2017 on the file of the Sub-Registrar, Alandur.

3. Heard Mr.V.Raghavachari, learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 1 and 2.

4. The petitioner claims that he purchased the subject matter property under SARFAESI proceedings and consequently, made an application before the first and second respondents for survey of land purchased by the petitioner. Such application filed by the petitioner dated 05.07.2017 is said to be still pending, followed by a reminder dated 31.07.2017 addressed to the first respondent.

5. The grievance of the petitioner is that the respondents 1 and 2 have not taken action for survey of the land.

6. This Court, at this stage, is not expressing any view on the claim made by the petitioner as it is for the respondents 1 and 2 to consider the representation of the petitioner dated 05.07.2017 and pass orders on the same on merits and in accordance with law, after hearing the rival claimants, if any. Such exercise shall be done by the respondents within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

vsi

To

1. The District Surveyor,
Land Survey Registration Department,
Kancheepuram.

2. Tasildhar,
Alandhur,
Kancheepuram District.

+ 1 cc to Mr.V.Raghavachari, Advocate, SR.81763

+ 1 cc to The Govt.Pleader, SR.82454

W.P.No.29401 of 2017

NR 04/12/2017



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