



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**W.A. [MD] .No.1262 of 2015
and
M.P. (MD) No.2 of 2015**

Sundaraja Naidu : Appellant

Vs.

1.R.Alagarsamy Naidu
2.The Commissioner,
Madurai Corporation,
Madurai.
3.The Assistant Commissioner,
(East Zone),
Madurai Corporation,
Madurai.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order of this Court dated 17.04.2015, made in W.P. (MD).No.5178 of 2015.

Prayer in WP(MD). 5178/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus direct the respondent to measure the land of the petitioner property comes under the T.S.No.659, Ward.57 was based on compromise Decree in O.S.No.2056/04 before the Additional District Munsif Court, Madurai Town dated 31.7.13 and such further order of other orders.

For Appellant : Mr.T.Lajapathi Roy
For Respondent No.1 : Mr.K.R.Singaravadivel
For Respondents 2&3 : Mr.N.Shanmugaselvam

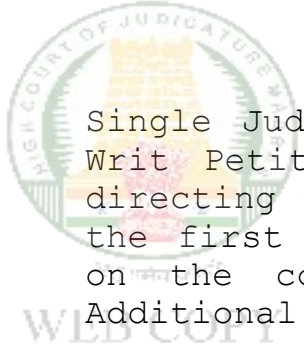
JUDGMENT

[Judgment of the Court was delivered by R.SUBBIAH, J.]

This Writ Appeal is directed against the order of Writ Court dated 17.04.2015, made in W.P. (MD).No.5178 of 2015.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The appellant is the third respondent before the learned



Single Judge. The first respondent/writ petitioner has filed the Writ Petition seeking for the issuance of a Writ of Mandamus, directing the second and third respondents to measure the land of the first respondent's property in T.S.No.659, Ward No.57, based on the compromise decree in O.S.No.2056 of 2004 before the Additional District Munsif Court, Madurai Town, dated 31.07.2013.

3. The learned Single Judge, by order dated 17.04.2015, disposed of the Writ Petition, directing the second and third respondents to issue notice to the appellant as well as the first respondent herein and pass appropriate orders in accordance with law, after giving due opportunity, within a period of six weeks from the date of receipt of a copy of the said order. Aggrieved over the same, the appellant is before this Court with the present Writ Appeal.

4. The learned counsel for the appellant submitted that the appellant has no objection for measurement of the property as per the plan annexed with the Advocate Commissioner's report filed before the Additional District Munsif Court, Madurai Town, in O.S.No.2056 of 2004. The learned counsel for the first respondent has also agreed for the same.

5. In view of the above, the second and third respondents herein are directed to measure the property in question as per the plan annexed with the Advocate Commissioner's report filed before the Additional District Munsif Court, Madurai Town, in O.S.No.2056 of 2004. However, if there is any dispute during measurement, the parties can work out their remedy before the Civil Court concerned.

6. The Writ Appeal is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

+1 CC to M/s.T.LAJAPATHYROY, Advocate, SR No. 5293/17
 +1 CC to M/s.K.R.SINGARAVADIVEL, Advocate, SR No. 4984
 +1 CC to M/s.N.SHANMUGA SELVAM, Advocate, SR No. 5143

SML

PSM/SV-MMS/09.02.2017/2P/4C