



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2017

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.1522 of 2016

B.S.Subramaniyan

..Petitioner

Vs

1.The Revenue Divisional Officer,
Madurai.

2.The Head Surveyor,
Madurai East Taluk Office,
Othakadai,
Madurai.

3.The Sub-Inspector of Police,
Othakadai Police Station,
Madurai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to conduct the Survey and put-up the Survey stone in the Petitioner's property Survey No.53/10 A1 to an extent of 14 cents land including residential building door No.143.

For Petitioner : Mr.R.M.Arun Swaminathan

For Respondents : Mr.G.Muthukannan,
Government Advocate.

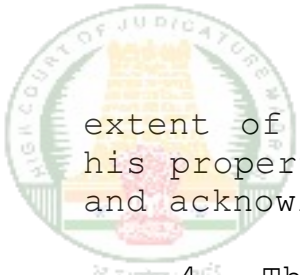
ORDER

The prayer sought for in this Writ Petition is for the issuance of a writ of Mandamus directing the respondents to conduct survey and fix the survey stone in the petitioner's property in Survey No..53/10 A1 to an extent of 14 cents.

2. Heard, Mr.R.M.Arun Swaminathan, learned counsel appearing for the petitioner and Mr.G.Muthukannan, learned Government Advocate appearing for the respondents. By consent, this writ petition itself is taken up for final disposal.

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3.According to the petitioner, he is having property in Survey No.53/10 A1, Uthangudi Village, Old Madurai North Taluk, to an



extent of 14 cents. Since his neighbours attempted to encroach his property, he preferred a complaint before the third respondent and acknowledged the receipt No.381 of 2014.

4. The petitioner would further state that the suit in O.S.No.234 of 2008, filed by one Bakkriammal against the petitioner, came to be dismissed for non-prosecution on 17.07.2013. Thereafter, the petitioner approached the second respondent to conduct survey his property and also paid necessary charges.

5. Mr.R.M.Arun Swaminathan, learned counsel appearing for the petitioner would submit that the second respondent had issued a notice, dated 11.12.2014 to the petitioner and his neighbours to survey the property on 16.12.2014, however, due to objection from the neighbours the survey could not be completed.

6. It is further submitted that the third respondent by his letter, dated 31.12.2014 requested the second respondent to survey the property to solve the dispute between the petitioner and his neighbours, even then no order was passed. Hence, this present Writ Petition is filed.

7. In the light of the above facts, the this Court without going into the merits of the case of the petitioner, directs the second respondent to survey the property of the petitioner, after providing opportunity to the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order. The third respondent is directed to provide police aid, if there is any request made by the second respondent during survey.

8. In view of the above direction this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Revenue Divisional Officer, Madurai.

2.The Head Surveyor,

Madurai East Taluk Office, Othakadai, Madurai.

3.The Sub-Inspector of Police,

Othakadai Police Station, Madurai.

+One cc to The Special Government Pleader, SR.No.65313

+One cc to Mr.R.M.Arun Swaminathan, Advocate, SR.No.65437

TA/CP

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