



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Writ Petition (MD) No.9466 of 2013

K.Prakash

...Petitioner

Vs.

1.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.

2.The Surveyor,
Thiruverumbur Taluk,
Trichy District.

3.Sivalingam
(R-3 impleaded as respondent
vide order dated 06.01.2017
in M.P(MD)No.1 of 2014)

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 07/02/2013 and direct the 2nd respondent to survey the property of the petitioner measuring 10 acres in S.No. 711/2C and 1.70 acres in S.No. 728/2B of its boundaries .

For Petitioner : Mr.Raguvaran
For Respondents 1&2 : Mr.T.R.Janarthanam,
Additional Government Pleader.
For 3rd Respondent :Mr.P.Ganapathisubramanian

ORDER

The petitioner had made a representation dated 07.02.2013 to the first respondent to survey his lands in Survey Nos.711/2C and 728 /2B, Sooriyur Village, Thiruverumbur Taluk, Trichy District. Since his representation was not considered within a reasonable period, the petitioner is before this Court.

2.The case of the petitioner is that he claims to be the owner of the properties comprised in Survey Nos.711/2C and 728 /2B, Sooriyur Village, Thiruverumbur Taluk, Trichy District. The third respondent who has been impleaded submits that he is the owner of Survey No.728/2B and that he is in possession of the property and any order directing the respondents to survey his lands would cause serious prejudice to him.

3.Learned Additional Government Pleader submits that the petitioner has not enclosed any documents to substantiate his title to the property in S.No.728/2B.



4. At this juncture, learned counsel appearing for the petitioner would submit that since both the third respondent as well as the learned Additional Government Pleader has raised objections with regard to the measurement of the property in comprised in S.No.728/2B, he would submit that it would suffice if the respondents are directed to survey his lands in S.No.711/2C alone and therefore, the third respondent cannot be aggrieved or prejudiced by the request made by the petitioner. The submission is reasonable and the respondents cannot be prejudiced if S.No.711/2C is surveyed.

5. Under such circumstances, the petitioner is granted liberty to make a fresh application before the first respondent to survey his land in S.No.711/2C in Sooriyur Village, Thiruverumbur Taluk, Trichy District and on receipt of such application, the first respondent shall issue notice to the petitioner as well as the third respondent informing the time of intended survey and thereby conduct survey in the presence of the petitioner as well as the third respondent. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Tahsildar,
Thiruverumbur Taluk,
Trichy District.

2. The Surveyor,
Thiruverumbur Taluk,
Trichy District.

Writ Petition (MD) No.9466 of 2013
06.01.2017

sms

PBK/SS-2/KSM 25/01/2017 ::2P-3C: