

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.02.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL  
AND  
THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

W.A.No.321 of 2018 and  
C.M.P.No.2644 of 2018

Thanickachalam

.. Appellant

Vs.

1. G.K.Sri Rama
2. G.V.Krishnamoorthy
3. Sridhar Mayavan
4. The District Collector,  
Kancheepuram District  
Kancheepuram
5. The Tahsildar,  
Madurantakam Taluk,  
Madurantakam  
Kancheepuram District
6. The Head Surveyor  
Madurantakam Taluk  
Madurantakam,  
Kancheepuram District

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed in W.P.No.29690 of 2017 dated 21.11.2017.

WP.NO.29690/2017:

Writ Petition filed Under Article 226 of Constitution of India, issua a Writ of Mandamus, directing the respondents to survey the boundaries of the land comprised in S.No.318/1 to the extent of 2 Acre and 9 cents situated in Pazhamathur Village Maduranthagam Taluk Kancheepuram District as per revenue records

For Appellant : Mr.C.Ravichandran for  
Mr. S.Rubanprabu

For Respondents: Mr.A.N.Thambidurai for R4 to R6  
Special Government Pleader

J U D G M E N T

[Judgment of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Appellant and the Learned Special Government Pleader for the Respondents 4 to 6.

2. Since this Court is disposing of the present Writ Appeal at the admission stage itself, Notice is not ordered to the Respondents 1 to 3/ Writ Petitioners.

3. Earlier, the Learned Single Judge while passing an Order in W.P.No.29690 of 2017 filed by the Respondents / Writ Petitioners against the Respondents 4 to 6, at Paragraph No.4, had observed the following and disposed of the Writ Petition.

"4. The grievance of the petitioners before this Court, is that the said request has not been considered so far. This Court, at this stage, is not expressing any view on the claim made by the petitioners, as it is for the respondents to consider and decide the same. Thus, this writ petition is disposed of, only with a direction to the respondents to consider the application of the first petitioner dated 22.05.2017 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. No costs. Consequently, connected miscellaneous petition is closed."

4. The only grievance of the Appellant / 3<sup>rd</sup> Party is that he has filed a suit in O.S.No.281 of 2017 on the file of Learned Principal District Judge, Chengalpet against the Respondents 1 to 3 / Writ Petitioners seeking a relief of 'Specific Performance' based on the Sale Agreement dated 15.05.2011 and at the time of consideration of the Application of the 1<sup>st</sup> Respondent / 1<sup>st</sup> Writ Petitioner, the Appellant also is to be heard and an opportunity must be provided by the Respondents 4 to 6, when they deal with the Application of the 1<sup>st</sup> Petitioner dated 22.05.2017.

5. As a matter of fact, the Learned Judge had directed the Respondents 4 to 6 / Respondents 1 to 3 to consider the Application of the 1<sup>st</sup> Respondent / 1<sup>st</sup> Writ Petitioner dated 22.05.2017 and to pass orders on the same on merits and in accordance with Law after hearing the rival claims, if any. He had also directed that the exercise in this regard shall be done by the Respondents 4 to 6 within a period of eight weeks from the date of receipt of a copy of this Order.

6. Inasmuch as the Writ Appellant / 3<sup>rd</sup> Party has a substantial interest in the subject matter in issue and also this Court, taking note of the yet another primordial fact that he [Agreement Holder] has instituted a suit in O.S.No.281 of 2017 on the file of Learned Principal District Judge, Chengalpet against the Respondents 1 to 3 / Writ Petitioners, this Court is of the considered view that the Appellant / 3<sup>rd</sup> Party must also be heard, when the Application of the 1<sup>st</sup> Respondent / 1<sup>st</sup> Petitioner dated 22.05.2017 is dealt with and disposed of on merits by the Respondents 4 to 6. It is open to the Appellant to raise all factual and legal pleas before the Respondents 4 to 6, who shall take into account of the same and advert to all the salient features of the points raised by the Appellant as well as the Respondents 1 to 3 and others concerned, if any, after adhering to the 'Principles of Natural Justice'.

With the aforesaid observation(s) and direction(s), the Writ Appeal stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-  
Asst.Registrar (CS IV )

/true copy/

Sub Asst. Registrar

ssd

To

1. The District Collector,  
Kancheepuram District  
Kancheepuram

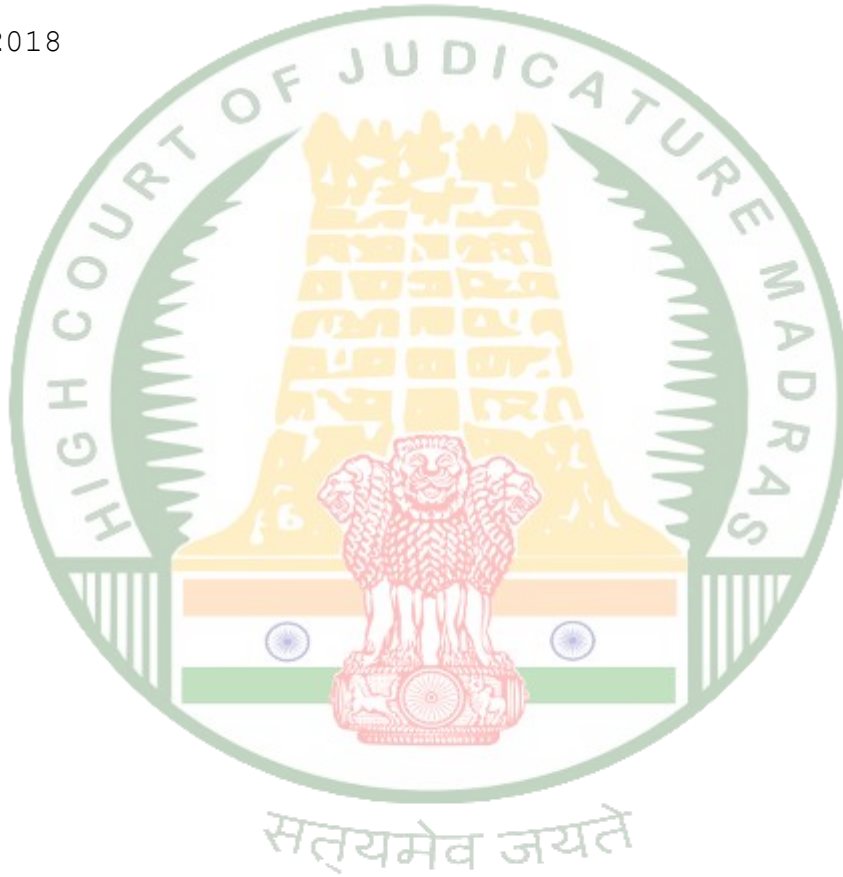
2. The Tahsildar,  
Madurantakam Taluk,  
Madurantakam  
Kancheepuram District

3. The Head Surveyor  
Madurantakam Taluk  
Madurantakam,  
Kancheepuram District

+ 1 cc to Mr. S.Rubanprabu Advocate, SR.14847  
+ 1 cc to The Govt.Pleader, SR.15941

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rr(co)  
nr 22/03/2018



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