

In the High Court of Judicature at Madras

Dated : 09.05.2018

Coram :

The Honourable MR.JUSTIC. S.M.SUBRAMANIAM

W.P. No.11901 of 2018
and W.M.P.No.13397 of 2018

1. K.Nachiappan
2. K.Chiluvaimuthu
3. K.Annadurai
4. K.Sukkan
5. K.Chinnappan

...Petitioners

Vs

The Tahsildar,
Tiruppur Taluk Office,
Tiruppur District.

...Respondent

Prayer: Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of mandamus, directing the respondent the lawful authority to survey and demarcate the petitioners' property to an extent of 1.10 cents comprised in S.No.427/5 situated at Karaipudur Village, Palladam Taluk, Tiruppur District within time frame that may be stipulated by this Court.

For Petitioners : Mr.M.Prabaharan
For Respondent : Mrs.P.Rajalakshmi
Additional Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to direct the respondent the lawful authority to survey and demarcate the petitioners' property to an extent of 1.10 cents comprised in S.No.427/5 situated at Karaipudur Village, Palladam Taluk, Tiruppur District within time frame that may be stipulated by this Court.

2 The constitutional courts in a writ jurisdiction cannot issue any direction to measure/survey the property belongs to the citizen of this Country, unless there is a specific direction or an order by any Civil Court in this regard. Filing of a writ petition seeking a direction to survey the property belonging to the petitioners cannot be entertained. If at all, any civil dispute exists in respect of the property belonging to the writ petitioners, it is left open to them to approach the

competent Civil Court of law for redressal of their grievance. It is not as if for the purpose of surveying a land belonging to an individual, a writ can be maintained and in the event of maintaining such a writ petition, every owner of the property will tempt to file a writ petition for the purpose of measuring his own land. If the petitioners want to measure their land, it is for them to engage a qualified surveyor and accordingly measure the property in accordance with law. It is condition precedent that infringement of right has to be established for the purpose of maintaining a writ petition. In the absence of any infringement of legal right, no writ can be entertained under Article 226 of Constitution of India.

3 The learned counsel appearing on behalf of the writ petitioners states that there is no dispute in relation to the title of the property in favour of the writ petitioners.

4 When the title is not in dispute, there is no question of issuing a direction to the respondent to survey the petitioners' land. Under these circumstances, this Court is of an opinion that the relief as such sought for by the writ petitioners is absolutely misconceived and no such direction as such sought for can be granted.

5 Accordingly, the writ petition stands dismissed. Consequently connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(comp)/Vacation Officer

//True Copy//

Sub Assistant Registrar

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To.

The Tahsildar,
Tiruppur Taluk Office,
Tiruppur District.

+1cc to Government Pleader in sr.no.33551

+1cc to Mr.Prabaharan, Advocate sr.no.33433(16/05/2018)

W.P. No.11901 of 2018
and W.M.P.No.13397 of 2018

nr 15/05/2018