

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13635 of 2018

A.Jeevarathinam

.. Petitioner

-vs-

1. The Tahsildhar
Ponneri Taluk
Thiruvallur District
2. The Revenue Divisional Officer
Ponneri Taluk
Thiruvallur District
3. The District Collector
Thiruvallur District, Thiruvallur ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents not to initiate any proceedings against the petitioner and the petition schedule property without ensuring the boundaries of the petition schedule property by surveying the property and without considering the representation given by the petitioner dated 18.04.2018.

SCHEDULE OF PROPERTY

All that piece and parcel of land and building with all amenties, the residential property situated at Thiruvallur District, Ponneri Taluk, North-Chennai Registration District, Ponneri Sub Registration District, Chennivakkam Village (No.76, Thachchur group of villages) as per Patta No.312 comprised in old Survey No.136/2C, New Survey No.136/2C2, measuring an extent of 1296 sq.ft., out of 0.38.5 ares or 95 cents (presently in Survey Nos.136/2C2A1 and 136/2C2C to an extent of 0.29.60 ares).

Bounded on

North by	: Sri Velmurugan Nagar, Plot Nos.21,22 & 20 feet road,
South by	: Survey No.125/2 property,
East by	: Survey No.125/2 property,
West by	: Survey No.136/2C1 Velammal Avenue

For Petitioner :: Mr.T.Ramachandran
For Respondents :: Mrs.P.Rajalakshmi
 Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents not to initiate any proceedings against the petitioner and the petition schedule property without ensuring the boundaries and/or surveying the property.

2. Learned counsel for the petitioner submitted that the petitioner had purchased the schedule mentioned property under a sale deed dated 5.2.2014 registered on the file of the Sub Registrar, Ponneri and patta also has been issued in Patta No.312. Thereafter, after obtaining planning permission, the petitioner had also constructed a house in the schedule mentioned property. When the petitioner had purchased the property in question under the sale deed bearing Document No.867 of 2014 clearly showing that the property is bounded on the South in Survey No.125/2, the revenue officials claim that the southern boundary is in Survey No.126, which is incorrect. In view of the civil dispute, the petitioner also approached the District Munsif Court at Ponneri in O.S.No.15 of 2018 seeking a judgment and decree by directing the Defendants 1 to 3 to ensure the boundaries of the suit property as they conveyed the suit property vide sale deed Doc.No.867/2014, dated 05.02.2014 registered at Ponneri SRO executed in favour of the plaintiff and the said suit is pending. In the meanwhile, the petitioner has made a representation on 18.4.2018 to the respondents not to initiate any proceedings without forming or surveying the boundaries of the schedule mentioned property. Therefore, there cannot be any objection from the other side to survey the property to find out whether the petitioner has indeed encroached into the southern portion of the land covered in Survey No.126.

3. Heard the learned Additional Government Pleader for the respondents.

4. Since the prayer made in the present writ petition and the civil suit pending on the file of the District Munsif Court, Ponneri being similar and almost the same, this Court hereby directs the petitioner to take out appropriate application in the pending suit with a specific prayer for appointment of a Surveyor to measure the property and if any such application is filed, the learned District Munsif, Ponneri shall consider and dispose of the same in accordance with law expeditiously. With this observation, the writ petition stands disposed of

accordingly. Consequently, W.M.P.No.16069 of 2018 is closed. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

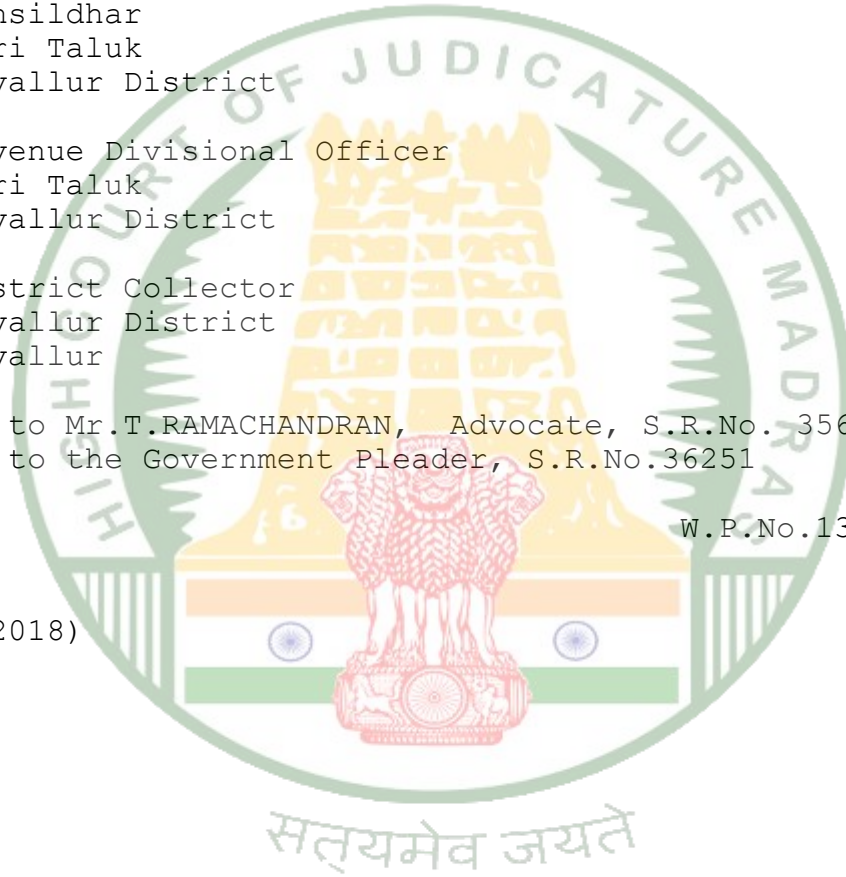
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To

1. The Tahsildhar
Ponneri Taluk
Thiruvallur District
2. The Revenue Divisional Officer
Ponneri Taluk
Thiruvallur District
3. The District Collector
Thiruvallur District
Thiruvallur

+1cc to Mr.T.RAMACHANDRAN, Advocate, S.R.No. 35673
+1cc to the Government Pleader, S.R.No.36251

W.P.No.13635 of 2018

CNR (CO)
TR(20/06/2018)



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