

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 2862 of 2014

D.Venkatesan

... Petitioner

Vs

1. The Tahsildar,
Poonamallee Taluk Office,
Poonamallee.

2. The District Surveyor,
Poonamallee,
Tiruvellore District.

Impleaded the respondents 3 to 10
as per the order dated 30.11.2018
passed in M.P. No.1 of 2015

3. Mrs.S.Vatchala,
W/o. Late Srinivasalu Naidu

4. S.Subramani,
S/o. Late Srinivasalu Naidu

5. S.Vijayan,
S/o. Late Srinivasalu Naidu

6. S.Krishnaeni,
D/o.late Srinivasalu Naidu

7. S.Kanchana,
D/o. Late Srinivasalu Naidu

3 to 7 are residing at No.38,
Bajanai Koil Street,
Chatiram, Pattabiram,
Chennai-600 072.

8. Vatchala @ Chinna Vatchala,
W/o. Late R.Duraiah @ Duraisamy Naidu,

9. D.Umavathi,
D/o. Late R.Duraiah @ Duraisamy Naidu,

10. D.Revathi,
D/o. Late R.Duraiah @ Duraisamy Naidu
8 to 10 are residing at
No.60, Bajanai Koil Street,
Chatiram, Pattabiram,
Chennai-600 072.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to measure, survey and demarcate the petitioner's land bearing S.No.400, situate at Thandurai Village, Poonamallee Taluk.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.Ramya Revathi,
Government Pleader for R2-R3

ORDER

This Writ Petition has been filed seeking for a direction to the respondents 1 and 2 to measure and demarcate the petitioner's property in Survey No.400, situate at Thandurai Village, Poonamallee Taluk.

2. The case of the petitioner is that he is the owner of the property measuring 63 feet north-south and 273 feet east-west in the above said Survey numbers. Earlier, there was a dispute in respect of a small portion of the land of an extent of 36 feet x 24 feet, and a civil suits were filed in O.S.Nos.247/2002, 72/2008 and 80/2005 on the file of Subordinate Court, Poonamallee, which were decreed in favour of the petitioner. The above said decrees have been confirmed in the Appeal. Challenging the same, the Second Appeals have been filed by the rival claimant in S.A.Nos.357 to 359 of 2011, and the same were also dismissed. Based on the above said Judgment and decree, the petitioner has made an application to the respondents 1 and 2 to measure and demarcate the property. But, no order has been passed. Hence, the present Writ Petition has been filed by the petitioner.

3. The impleading petition filed by the neighbouring landowners was allowed, but none appeared on behalf of respondents 3 to 10.

4. Considering the fact that the application is pending with the respondents 1 and 2, and in pursuant to the judgment and decree passed by the Subordinate Court, Poonamallee, which has been confirmed by this Court, the 1st and 2nd respondents are directed to measure and demarcate the property as per the

Judgment and Decree passed by the Civil Court in O.S.Nos.247/2002, 72/2008 and 80/2005 after issuing notice to the petitioner as well as the rival claimants within a period of six weeks from the date of receipt of the copy of this order. In the result, the present Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

rpp

To

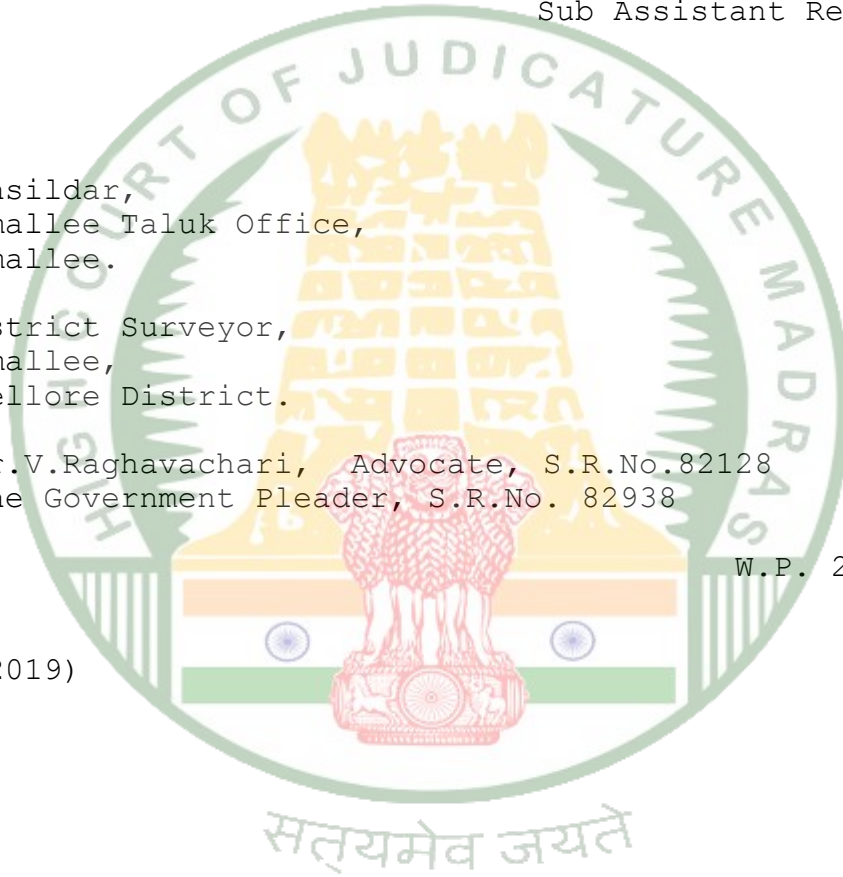
1. The Tahsildar,
Poonamallee Taluk Office,
Poonamallee.
2. The District Surveyor,
Poonamallee,
Tiruvellore District.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.82128

+1cc to the Government Pleader, S.R.No. 82938

W.P. 2862 of 2014

RR(CO)
GN(26/02/2019)



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