

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.A.No.2816 of 2018

R. Kannan ..Appellant/Third Party

Vs.

1. The Revenue Tashildar,
Veppur Taluk Office,
Veppur, Cuddalore District.
2. The Surveyor,
Veppur Taluk Office,
Cuddalore District.
3. The Village Administrative Officer,
Periyanesalur Village,
Veppur Taluk,
Cuddalore District. .. Respondents/Respondents
4. Vadamalai ..4th Respondent/Petitioner

Prayer: Writ Appeal as against the order passed in W.P.No.16377 of 2018 dated 04.07.2018.

W.P.No.16377 of 2018:-

Petitioner under Article 226 of the Constitution of India, praying the issue of a Writ of Mandamus, directing the respondents to consider the petitioners representation dated 27.03.2018 to Survey the petitioners land bearing Survey No.326/4A1 for an extent of 0.2.00 Ares situated at Velambavur Village, Veppur Taluk, Cuddalore District in Accordance with law.

For Appellant :: Mr.T.M.Suresh

For Respondents:: Mr.A.Ansar,
Govt. Advocate for
R1 to R3

J U D G M E N T

(Judgment of the Court was delivered by M. SATHYANARAYANAN,J.)

The appellant is a third party and aggrieved by the impugned order dated 04.07.2018 in W.P. No. 16377 of 2018, in and by which the measurement in respect of the land comprised in S.No. 326/4A1, admeasuring to an extent of 0.02.0 acre, situated in Vilambavur Village, Veppur Taluk, Cuddalore District, is ordered to be measured.

2. Learned counsel for the appellant would submit that the appellant had instituted a suit in O.S. No. 344 of 2015 against one Ganapathy, Manickam, Pachamuthu and Mangan, father of the 4th respondent herein/writ petitioner for partition and other consequential reliefs in respect of the very same property and suppressing the said fact, the 4th defendant utilised the services of his son, namely, the 4th respondent herein and filed a writ petition and got an ex parte order and in the event of survey and measurement, the appellant's rights in the pending civil suit would be affected.

3. Heard the submissions of Mr.T.M. Suresh, learned counsel for the appellant and Mr.A. Ansar, learned Government Advocate appearing for respondents 1 to 3.

4. Though the name of the learned counsel for the 4th respondent/writ petitioner appears in the cause list, there is no representation on his behalf.

5. A perusal of the impugned order would disclose that respondents 2 and 3 were directed to consider the representation of the 4th respondent/writ petitioner and measure the land comprised in S.No. 326/4A1 situated in Vilambavur Village, Veppur Taluk, Cuddalore District, on production of a copy of the patta within a stipulated time.

6. Since the suit for partition is pending, in which the father of the 4th respondent herein/writ petitioner is a party, this Court directs respondents 2 and 3 to put on notice, the appellant as well as the 4th respondent herein, survey the land, measure the extent and pass appropriate orders, in accordance with law, in terms of direction stipulated in the impugned order and communicate the decision taken to the appellant as well as to the 4th respondent/writ petitioner, within the time stipulated in the impugned order.

7. The writ appeal is dismissed subject to the above observation. No costs.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

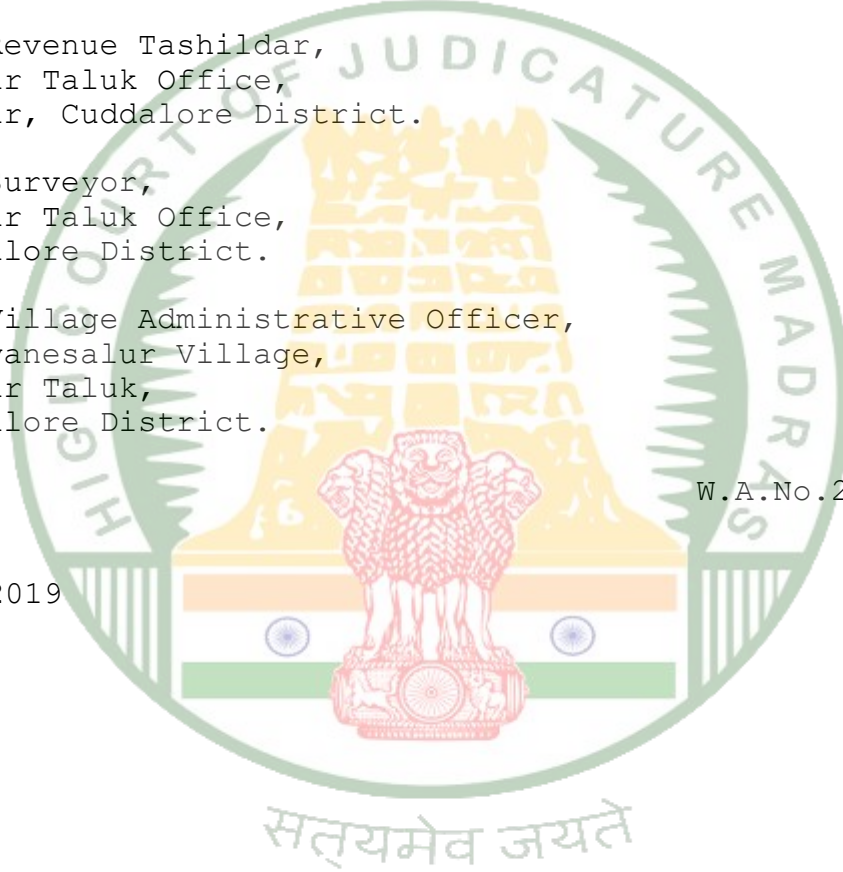
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To

1. The Revenue Tashildar,
Veppur Taluk Office,
Veppur, Cuddalore District.
2. The Surveyor,
Veppur Taluk Office,
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3. The Village Administrative Officer,
Periyanesalur Village,
Veppur Taluk,
Cuddalore District.

W.A.No.2816 of 2018

KJ(CO)
CS/11/02/2019



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