



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A.(MD)No.1 of 2018
and
C.M.P(MD)Nos.25 and 26 of 2018

Sasi Kiruba

... Appellant/3rd Party

Vs.

- 1.Ramraj ... 1st Respondent/Writ Petitioner
2. The District Surveyor,
O/o.The District Surveyor,
District Collectorate Campus,
Dindigul District.
3. The Tahsildar,
Oddanchatram,
Dindigul District.
4. The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul District.
5. The Inspector of Police,
Idayakottai Police Station,
Idayakottai,
Oddanchatram Taluk,
Dindigul District.
- ... Respondents 2 to 5/
Respondents 1 to 4

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against order made in W.P(MD)No.20320 of 2016, dated 21.10.2016 on the file of this Court.

Prayer in WP(MD)No.20320/2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent No.2 to survey the land of the petitioner at in Survey No.845/1, Puliyurnatham Village, Oddanchatram Taluk, Dindigul District and install the boundary stones with adequate police protection within the stipulated time.



For Appellant
For R - 1
For RR 2 to 5

: Mr.S.C.Herold Singh
: Mr.T.Lajapathi Roy
: Mr.A.K.Baskara Pandian,
Special Government Pleader.

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JUDGMENT

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

By consent, the Writ Appeal itself is taken up for final disposal.

2.Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.T.Lajapathi Roy, learned counsel appearing for the first respondent.

3.Mr.A.K.Baskara Pandian, learned Special Government Pleader accepts notice on behalf of the respondents 2 to 5.

4.The grievance expressed by the petitioner is that though he is not a party in W.P(MD)No.20320 of 2016, this Court, while disposing of the said writ petition on 21.10.2016, has directed the second respondent to conduct survey of the petitioner's land in Survey No.845/1, Puliurnatham Village, Oddanchatram Taluk, Dindigul District, with the help of Surveyor and pass orders on merits and in accordance with law, after issuing notice to the petitioner as well as the neighbouring land owners.

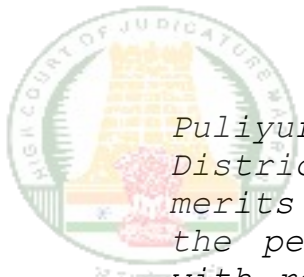
5.The learned counsel appearing for the appellant/third party would submit that since there is no land in Survey No.845/1, survey cannot be done and at the time of effecting survey, he wants to reiterate his grievance that since he was not a party to the Writ Petition, he may not be given any notice by the second respondent.

6.Per contra, the learned counsel appearing for the first respondent/writ petitioner would draw the attention of this Court to paragraph No.5 of the order, dated 21.10.2016 made in W.P(MD) No.20320 of 2016 and submit that the said paragraph takes care of the appellant's interest also and this Writ Appeal lacks merits and prays for dismissal of the Writ Appeal.

7.This Court has heard the rival submissions and perused the materials available on record.

8.The learned Single Judge, while disposing of the Writ Petition in W.P(MD)No.20320 of 2016 in paragraph No.5, has observed as follows:-

"5.Since the petitioner filed necessary application, dated 11.07.2016 along with necessary fee and that is pending, the second respondent is directed to conduct survey of petitioner's land in Survey No.845/1,



Puliyurnatham Village, Oddanchatram Taluk, Dindigul District, with the help of Surveyor and pass orders on merits and in accordance with law, after issuing notice to the petitioner as well as the neighbouring land owners, with reference to the revenue records and the petitioner's title deeds, within a period of eight weeks from the date of receipt of a copy of this order."

9.The apprehension expressed by the appellant/third party is that there is no land in Survey No.845/1 and since the learned Single Judge has directed the second respondent therein to take note of only the writ petitioner's view/stand, he may not be in a position to say.

10.In the considered opinion of this Court, the apprehension expressed by the appellant/third party is unfounded for the reason that the learned Single Judge in paragraph No.5 of the order, made it clear that at the time of effecting survey in Survey No.845/1, Puliyurnatham Village, Oddanchatram Taluk, Dindigul District, after issuing notice to the petitioner as well as the neighbouring land owners, which include the appellant herein. Hence, it is open to the appellant herein to submit a representation with supporting documents to the Tahsildar, Oddanchatram, Dindigul District within a period of two weeks from the date of receipt of a copy of this order. The second respondent, upon receipt of the same, is directed to consider the said representation also and comply with the order, dated 21.10.2016 within a further period of eight weeks from the date of receipt of a copy of the said representation.

11.The Writ Appeal stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Surveyor,
O/o.The District Surveyor,
District Collectorate Campus,
Dindigul District.

2. The Tahsildar,
Oddanchatram,
Dindigul District.



3. The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul District.

4. The Inspector of Police,
Idayakottai Police Station,
Idayakottai,
Oddanchatram Taluk,
Dindigul District.

+ 1 CC TO Mr.S.C.HEROLD SINGH, ADVOCATE IN SR No. 40156

PS

TE/MR/SAR-3 : 18/01/2018 : 4P/6C

W.A.(MD)No.1 of 2018 and
C.M.P (MD) Nos.25 & 26 of 2018
02.01.2018