



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.01.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No. 1616 of 2018

and

W.M.P(MD)No.1704 of 2018

1.C.Ramachandran
2.C.Sundarapandian

... Petitioners

-vs-

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Madurai South Taluk,
Madurai District.

3. The Taluk Surveyor,
Madurai South Taluk,
Madurai District.

4. J.Vivek

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 1 to 3 from surveying and sub-dividing the property in S.No.71/2, Viraganoor Village, Madurai South Taluk, Madurai District measuring an extent of 0.90.5 hectares equivalent to 2 Acres and 35 cents without any partition taking place between the Petitioners and the fourth respondent.

For Petitioner	: Mr.J.Bharathan for M/s.K.Guhan
For Respondents 1 to 3	: Mr.M.Rajarajan Government Advocate

O R D E R

The relief sought for in this Writ Petition is for forbearing the respondents 1 to 3 from surveying and sub-dividing the property in S.No.71/2, Viraganoor Village, Madurai South Taluk, Madurai District measuring an extent of 0.90.5 hectares equivalent to 2 Acres and 35 cents without any partition taking place between the



Petitioners and the fourth respondent.

2.Mr.M.Rajarajan,learned Government Advocate takes notice for the respondents 1 to 3.

3.The civil dispute in respect of title of the property has to be sorted out only through a competent Civil Court. The Writ Petitioner claims that he is also the owner of the property and further, the learned counsel for the Petitioner states that the fourth respondent is a co-owner of the property. Thus, the right vest both on the Writ Petitioner as well as with the fourth respondent.

4.The only grievance of the Writ Petitioner is that based on the application submitted by the fourth respondent, the respondents 1 to 3 are initiating steps to measure the property without any notice to the Writ Petitioner. Certainly, this Court is of the considered view that the property belongs to the Writ Petitioner as well as the fourth respondent. This being the factum of the case, all the parties are entitled for notice and opportunity. If at all,it is necessary under the law to measure a particular land, the authorities competent is bound to provide notice to all the parties concerned and thereafter, to take a decision in this regard.

5.The learned counsel for the Writ Petitioner states that no notice or opportunity was given to the Writ Petitioner before undertaking the process of measurement in the property in question.

6.It seems that there are certain disputes prevail between the Writ Petitioner and the fourth respondent. However, the authorities competent are bound to conduct an enquiry by providing notice to all the parties and thereafter, to take a decision in respect of undertaking the process of survey, if necessary.

7.In this view of the fact, it is made clear that the respondents 1 to 3 are bound to issue notice to all the parties concerned including the Writ Petitioner and after conducting the enquiry, take a decision in proceeding with the survey of the particular land.

8.With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/



To

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Madurai South Taluk,
Madurai District.

3. The Taluk Surveyor,
Madurai South Taluk,
Madurai District.

+ 1 CC TO Mr.K.GUHAN, ADVOCATE IN SR No. 44528

VSN

TE/KKR/SAR-4 : 16/02/2018 : 3P/5C

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