

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.No.1201 of 2019

M.Janarthanam ... Appellant/ Petitioner

Vs.

1.The Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat,
Puducherry 605 001.

2.Director,
Department of Survey and Land
Records,
Sakthi Nagar, Kamaraj Salai, Saram,
Puducherry.

3.S.Karthikeyan ... Respondents/ Respondents

Prayer:

Writ appeal filed under Clause 15 of the Letters
Patent against the order dated 15.11.2018 made in
W.P.No.29905 of 2018.

Prayer in W.P.No.29905 of 2018:

Writ Petition filed under Article 226 of the
Constitution of India Praying for the issuance of Mandamus
to Direct the respondents 1 and 2 to take suitable action
against the 3rd respondent on the basis of the
representations submitted by the petitioners on 10/02/2016
and 02/04/2016.

For Appellant : Mr.M.Gnanasekar

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The appellant filed a writ petition for issuance of a Writ of Mandamus directing the Chief Secretary to Government, Government of Puducherry and the Director, Department of Survey and Land Records to initiate disciplinary proceedings against the third respondent alleging that he filed an incorrect report in O.S.No.125 of 2006 on the file of the Principal District Judge, Puducherry. The writ petition was dismissed by the learned Single Judge. The learned Single Judge observed that time has not arisen to file a writ petition of this nature without there being any order passed taking into account the report submitted by the Surveyor. Feeling aggrieved by the said order, the appellant has come up with this intra court appeal.

2. There is no dispute that pursuant to the warrant issued by the Principal District Judge, Puducherry, the Advocate Commissioner took the assistance of the Surveyor. The Surveyor submitted his report. According to the appellant, the Surveyor submitted an incorrect report to favour the plaintiff in the suit in O.S.No.125 of 2006.

3. The suit in O.S.No.125 of 2006 is still pending on the file of the Principal District Judge, Puducherry. It is for the District Judge to decide as to whether the third respondent has given an correct report to the Court. It is always open to the Court either to remit the report to the Surveyor or to appoint another Surveyor. The fact that there was difference in the measurement made by the Surveyor would not go to show that deliberately an incorrect report was filed to favour the plaintiff. We are therefore of the view that there is absolutely no merit in the contention taken by the appellant.

4. In the upshot, we dismiss the intra court appeal. No costs.

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Sd/-
Vacation officer

Sub Assistant Registrar

pri/vrn

To

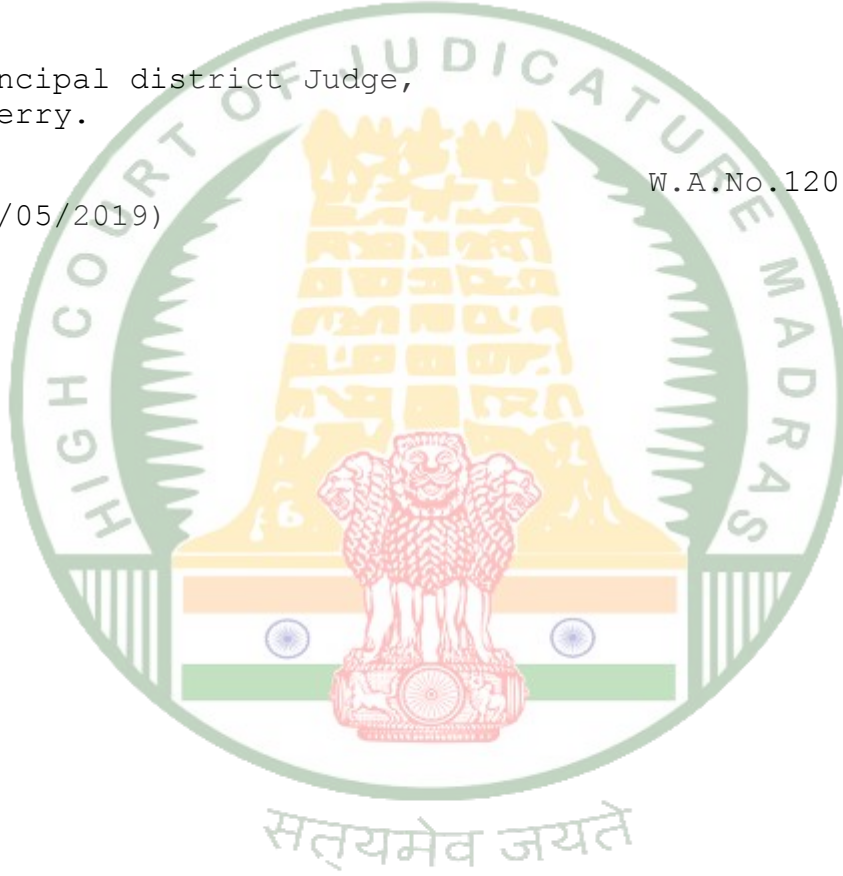
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Copy to
The principal district Judge,
Puducherry.

W.A.No.1201 of 2019

A.SK(24/05/2019)



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