

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.16270 of 2018

Raman @ Ramu Mudaliyar

... Petitioner

Vs

1. The District Collector
Office of Collectorate
Saathvachari
Vellore - 632 001.

2. The Tahsildar
Tahsildar Office
Arcot, Vellore.

3. The Land Surveyor
Tahsildar Office
Arcot, Vellore.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to consider application dated 01.06.2018 consequently directing the third respondent to survey the petitioner's property bearing Survey No.6/66 No.16, Panakkara Street, Kalavai, Arcot Taluk, Vellore - 632 506.

For Petitioner: M/s. V.Pavel

For Respondents: Mr.R.Govindasamy
Special Government Pleader

ORDER

The Writ Petitioner has filed the present Writ Petition in the nature of a Mandamus seeking to consider a representation dated 01.06.2018 and directing the third respondent, the Land Surveyor, Tahsildar Office, Arcot, Vellore District, to survey his property bearing S.No.6/66 No.16, Panakkara Street, Kalavai, Arcot Taluk, Vellore - 632 506.

2. The requirement for survey was that the elder brother of the petitioner's son by name Vinayagam had built a separate house and is attempting to block a pathway and is also attempting to prevent the petitioner from putting up fresh construction. Naturally, to identify the petitioner's property,

the petitioner had approached the Revenue Authorities, more particularly the third respondent and had given a representation seeking assistance to survey her property including the pathway. There has been no response from the third respondent.

3. It is also seen that the petitioner has also filed O.S.No. 189 of 2017 before the Sub Court, Ranipet, against the said Vinayagam, seeking declaration and injunction. In the said suit, the petitioner has also filed an Interlocutory Application, seeking appointment of an Advocate Commissioner to primarily take note of the physical features of the property. Evidently, since the suit for declaration is pending, it would only be appropriate that any survey of lands is done by orders by that Court, since the survey plan and other reports would form part of the documents of that suit, which could be used as evidence during the trial in that suit to the advantage or otherwise of the petitioner herein.

4. Accordingly even though the petitioner has not made a direct reference to the institution of the suit, an order is passed directing the Sub Court, Ranipet, to pass necessary orders on the Interlocutory Application, which had been filed seeking appointment of a Commissioner and more particularly by directing the Commissioner to take assistance of a Surveyor in the Tahsildar Office, Arcot, Vellore, and survey the lands of the suit property and also include the pathway, within a specified time limit, at the most within a period of four weeks if not yet done, from the date of communication of this order by the learned counsel for the plaintiff in that suit. If a Commissioner had been appointed, instructions may be given to execute the warrant along with the help of a Surveyor. If the Commissioner had not been appointed, the learned Sub Judge, Ranipet, may take steps to immediately appoint a Commissioner and also direct him to take assistance of a Surveyor to survey the lands.

5. With these observations, the Writ Petition is disposed of.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

vsg

To

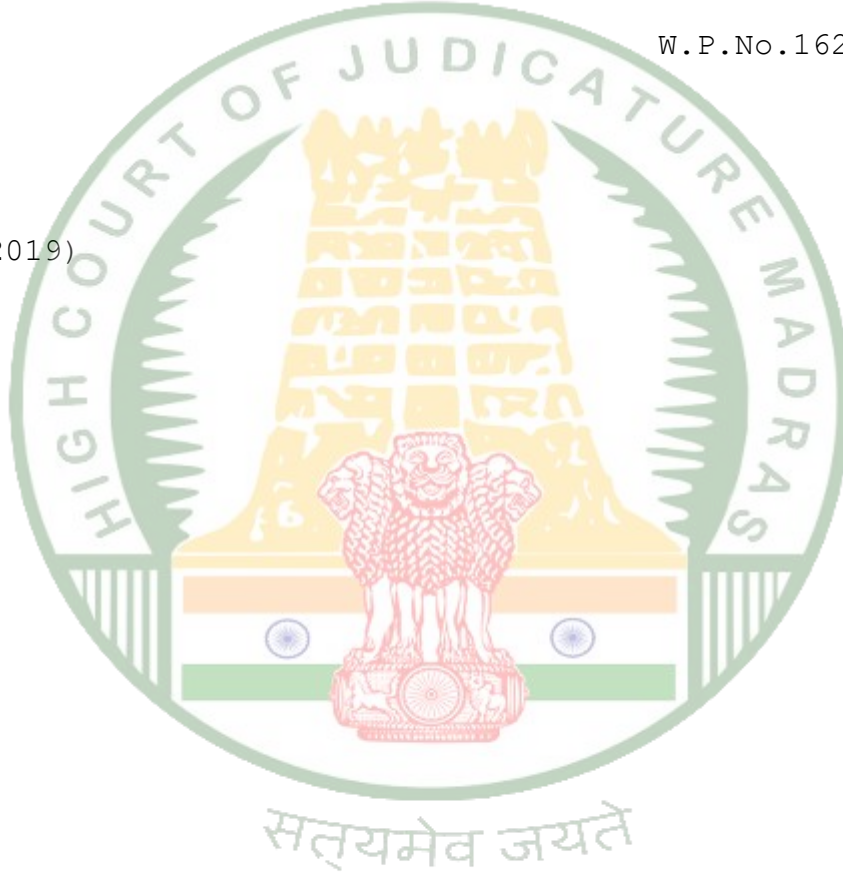
1. The District Collector
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2. The Tahsildar
Tahsildar Office
Arcot, Vellore.
3. The Land Surveyor
Tahsildar Office
Arcot, Vellore.
4. The Subordinate Court,
Ranipet.

+1cc to the Government Pleader, S.R.No. 101180

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VD (CO)
GN (31/12/2019)



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