

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.2540 of 2019
and
C.M.P.No.16459 of 2019

M/s.Sri Krishna I-Tech and Management
Solutions Private Limited,
Represented by its Managing Director,
Ms.S.Malarvizhi,
No.6, Vivekananda Road,
Ramnagar, Coimbatore - 18. ... Appellant/5th Respondent in
W.P.16216 of 2019

Vs

- 1.G.D.Rajkumar
- 2.The Director of Survey and Land Records,
Officer of the Directorate of Survey & Land Records,
Survey House,
Chepauk, Chennai.
- 3.District Revenue Officer,
Collectorate Building,
Coimbatore.
- 4.The Assistant Director of Survey,
District Survey and Land Records Department,
Collectorate Building,
Coimbatore - 641018.
- 5.The Tahsildar (North),
Coimbatore North Taluk Office,
Balasundaram Road,
Coimbatore - 18. ... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters patent
against the order dated 12.06.2019 passed in W.M.P.No.15297 of
2019 in W.P.No.16216 of 2019.

Prayer in WMP No.15297 of 2019:

a)Writ Miscellaneous Petition to pass an order of interim stay of operation of the order dated 29.05.2019 passed by 1st Respondent relating to proceedings in Na.Ka.Na5/12675/2019(LS) thereby the Respondents from giving effect to the order dated 10.08.2018, passed by the 2nd Respondent in his proceedings Ne.Mu.17298/2017/E1 pending disposal of the Writ Petition.

Prayer in W.P.No.16216 of 2019:

b)issue a Writ of Certiorarified Mandamus or any other appropriate order or direction in the nature of a writ calling for the entire records of the 1st Respondent pertaining to proceedings in Na.Ka.Na5/12675/2019 (LS) dated 29.05.2019 confirm with the order dated 10.08.2018 passed by the 2nd Respondent in his proceedings Ne.Mu.17298/2017/E1 and quash the same as highly arbitrary and consequentially direct the measurements to be restored status quo ante prior 17.06.2015 by carrying out necessary corrections in the FMB sketch and field map relating to lands in T.S.No.1051/1 and 1054/1 Ward 10 Block 14 Krishnarayanapuram Village Coimbatore North Taluk and other revenue records maintained by the Respondents.

For Appellant : Mr.N.Senthil Kumar

For Respondents : Mr.AR.L.Sundaresan,
Senior Counsel for R1.

Mr.V.Anandha Moorthy, Additional
Government Pleader for R2 to R5.

J U D G M E N T

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The Writ appeal has been filed against an interim order passed by the learned Single Judge of this Court on 12.06.2019 in the Writ petition filed by the first respondent challenging the order passed by the second respondent.

2.Heard Mr.N.Senthil Kumar, learned Counsel for the appellant and Mr.AR.L.Sundaresan, learned Senior Counsel for the first respondent and Mr.V.Anandha Moorthy, learned Additional Government Pleader for R2 to R5.

3.This matter relates to the order passed in favour of the appellant under Survey and Boundaries Act with regard to the properties comprised in T.S.Nos.1051 & 1054 located in Ward No.10, Block No.14, Avinashi Road, Coimbatore. The dispute is between the appellant and the first respondent with regard to the boundaries of the properties.

4.Originally, gazette publication has been made on 22.02.2005 fixing the boundaries of many properties including the S.Nos.1051 & 1054. The said boundaries were altered on 17.06.2015 by the Tahsildar who is the fifth respondent herein without even issuing notice to the first respondent. The said correction was in favour of the appellant, detrimental to the interest of the first respondent / Writ petitioner. Therefore, the first respondent has filed objections before the fourth respondent and the fourth respondent has passed an order on 23.06.2017 directing restoration of the original boundaries as per the Gazette publication.

5.The said order was challenged by the appellant before the third respondent who passed an order on 10.08.2018 setting aside the order passed by the fourth respondent dated 23.06.2017, against which a revision has been filed by the first respondent. The said revision was dismissed, by confirming the order passed by the third respondent dated 10.08.2018. Aggrieved over the dismissal of the revision, Writ petition has been filed by the first respondent and an interim order has been obtained against which the present Writ appeal has been filed.

6.Mr.AR.L.Sundaresan, learned Senior Counsel for the first respondent would submit that this Writ appeal is not maintainable in view of the consistent Judgments given by this Court. Moreover, the first respondent is not in a position to know what is the case of the appellant as without even filing a petition to vacate the stay or a counter affidavit to the Writ petition, this Writ appeal has been filed before this Court. Therefore, he seeks to dismiss the appeal.

7.Mr.N.Senthil Kumar, learned Counsel for the appellant contended that it is only a conversional error and if any alteration or correction which has to be done under Survey and Boundaries Act, has to be decided by the Civil Court under Section 14 of the said Act and therefore, the interim order is not maintainable and the parties have to be directed to approach the Civil Court. However, the learned Counsel for the first respondent would submit that the same stand has also been taken by the appellant in the revision filed by the first respondent.

8.Hence, without expressing any opinion on the merits of the case, this Court disposing of this Writ appeal with a request to the learned Single Judge to take up and dispose of the matter at the earliest. In the meanwhile, the appellant is directed to file counter affidavit and other relevant documents, so that disposal of the matter could be expedited. All the contentions are left open to the parties.

9.In the result, this Writ appeal is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ay

To

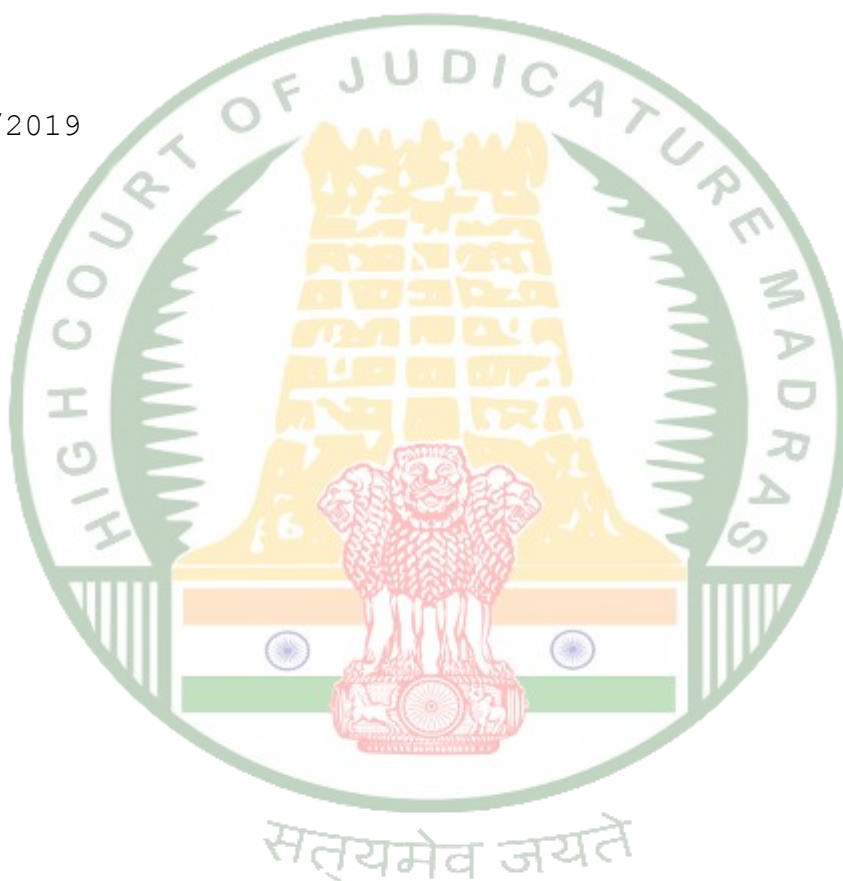
- 1.The Director of Survey and Land Records,
Officer of the Directorate of Survey & Land Records,
Survey House,
Chepauk, Chennai.
- 2.District Revenue Officer,
Collectorate Building,
Coimbatore.
- 3.The Assistant Director of Survey,
District Survey and Land Records Department,
Collectorate Building,
Coimbatore - 641018.
- 4.The Tahsildar (North),
Coimbatore North Taluk Office,
Balasundaram Road,
Coimbatore - 18.
- 5.The Section Officer,
Writ Section, High Court, Madras.

6.The Sub Assistant Registrar,
Writ Section, High Court, Madras.

+1cc to Mr.N.Senthilkumar, Advocate Sr.83437

W.A.No.2540 of 2019
and
C.M.P.No.16459 of 2019

vg Ii[col
srg 05/11/2019



WEB COPY