

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.03.2019
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.15599 & 15600 of 2017
and
W.M.P.Nos.16901, 16902 & 16903 of 2017

S.Sithik ... Petitioner
in W.P.No.15599 of 2017

Jacob Nixon ... Petitioner
in W.P.No.15600 of 2017

Vs.

1.The Deputy Superintendent of Police,
Anti-Land Grabbing Cell,
Kanchipuram District,
kanchipuram.

2.The Inspector of Police,
Anti-Land Grabbing Cell,
Kanchipuram District,
Kanchipuram.

3.The Tahsildar,
Sriperumbudur Taluk,
Kanchipuram District.

4.B.Girigori ... Respondents
in both petitions

PRAYER in both petitions: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus call for the records of the second respondent culminating the impugned order vide Na.Ka.No.16/Ni.a.tha.ci.pi./Kanchi/2017 dated 06.06.2017 and to quash the same and consequently directing the second respondent to advise the fourth respondent to approach the competent civil Court for appropriate remedies in accordance with law.

For Petitioner
in both petitions : Mr.D.Murthy

For Respondents
in both petitions
For R1 to R3 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R4 : Mr.R.Gurunathan

C O M M O N O R D E R

These writ petitions have been filed to quash the impugned order passed by the second respondent in vide Na.Ka.No.16/Ni.a.tha.ci.pi./Kanchi/2017 dated 06.06.2017 and consequently direct the second respondent to advise the fourth respondent to approach the competent civil Court for appropriate remedies in accordance with law.

2. It is seen from the records that on the complaint given by the fourth respondent, the second respondent directed the third respondent to survey the land comprised in Survey No.35/1c, 35/D, 35/M, 35/1B, 35/2, 35/5 situated at Serapannancheri Village and Survey No.32/2, 35/5, 29 situated at Velleri Village, and also directed to issue certificate, by the impugned order dated 06.06.2017.

3. It seems that there is a civil dispute between the petitioner and the fourth respondent and if at all any dispute between them in respect of the property, they have to approach the appropriate civil Forum. But on the complaint given by the fourth respondent, the second respondent passed the impugned order. However, the second respondent has no power or authority to direct the third respondent to survey the land belongs to the petitioners herein.

4. It is also seen that on the complaint lodged by the fourth respondent, an enquiry was conducted and the same was closed. Therefore, the second respondent is not an authority to pass an order to survey the land of the petitioners. Therefore, the impugned order is liable to be quashed.

5. In view of the above discussions, both the writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CSiii)

//True Copy//

Sub Assistant Registrar

jas/rts

To

1.The Deputy Superintendent of Police,
Anti-Land Grabbing Cell,
Kanchipuram District,
kanchipuram.

2.The Inspector of Police,
Anti-Land Grabbing Cell,
Kanchipuram District,
Kanchipuram.

3.The Tahsildar,
Sriperumbudur Taluk,
Kanchipuram District.

+1cc to Mr.D.Murthy , Advocate SR.No. 22981

+1cc to Mr. D.Murthy, Advocate SR.No. 22980

W.P.Nos.15599 & 15600 of 2017
and W.M.P.Nos.16901, 16902
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A.SK(02/05/2019)



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