



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.06.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P. (MD) No.13019 of 2019

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M.P.Udayakumar

...Petitioner

-Vs-

1.The Tahsildar,
Office of Taluk Office,
Trichy East Taluk Office,
Trichy.

2.The Sub Inspector of Survey,
Office of the Town Survey and Settlement Office,
Ponmalai Division,
West Taluk Office,
Trichy.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to survey and measure the petitioner property comprised in Survey No.115/2 and 115/3 town survey ward AF Block No.1, in T.S.No.2/1 and T.S.No.2/2 measuring an extent of 1 Acre 50 Cents and 2 Acre 25 Cents situated at Kottapattu Village, Tiruchirapalli East Taluk, Tiruchirapalli on the basis of the notice dated 30.04.2019 issued by the second respondent authority within the time stipulated by this Court.

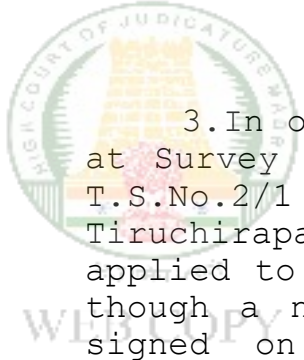
For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.M.Rajarajan, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to survey and measure the petitioner property comprised in Survey No.115/2 and 115/3 town survey ward AF Block No.1, in T.S.No.2/1 and T.S.No.2/2 measuring an extent of 1 Acre 50 Cents and 2 Acre 25 Cents situated at Kottapattu Village, Tiruchirapalli East Taluk, Tiruchirapalli on the basis of the notice dated 30.04.2019 issued by the second respondent authority within the time stipulated by this Court.

2.Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.



3. In order to survey the boundary of the land of the petitioner at Survey Nos.115/2 and 115/3, Town Survey ward AF Block No.1, in T.S.No.2/1 and T.S.No.2/2, situated at Kottapattu Village, Tiruchirapalli East Taluk, Tiruchirapalli, the petitioner already applied to the respondent Revenue Department and pursuant to which, though a notice was given by the Revenue Inspector on 30.04.2019 signed on 29.05.2019, directing the petitioner to appear on 06.06.2019 at the subject land for completing the survey and on that day, even though the petitioner had waited, no one from the revenue department turned up. Therefore, the petitioner approached this Court with the aforesaid prayer.

4. Heard the learned Government Advocate appearing for the respondents, who would submit that, when the respondents' office was about to move to complete the survey and measure the land on 06.06.2019 as scheduled, on 04.06.2019, they received a communication from the neighbour, who is none other than the Management of the Periyar E.V.R. College (Autonomus), on behalf of the college the Principal had sent a letter on 04.06.2019 to the respondents that, they were not in a position to appear on 06.06.2019 for survey and in this regard, they want time up to August. The learned Government Advocate submitted that, only on this reason, survey could not be completed on 06.06.2019.

5. Be that as it may, the land of the petitioner have to be surveyed and in this regard steps have been taken by the petitioner, pursuant to which the Revenue Department moved towards completing the task and date has been fixed on 06.06.2019. When that being so, the neighbour being the College cannot have their own reasons to postpone the same for two months.

6. In that view of the matter, this Court has not accepted the inaction on the part of the respondents to proceed as they fixed on 06.06.2019 to complete the survey and measure the land. Hence, this Court is inclined to pass the following orders:

The respondents shall re-fix a date for survey of the petitioner's land within a period of two weeks from the date of receipt of a copy of this order and on the fixed date, if the neighbour or any private person does not come forward to co-operate with the respondents despite the notices/summons served on them, the respondents shall proceed to complete the survey with available persons including the petitioner and accordingly complete the task. At any rate, the survey work shall be completed by the respondent Department as indicated above, within a period of four weeks from the date of receipt of a copy of this order.



7. With this direction, this writ petition is disposed of. No costs.

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Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)

Arul/Ls
To

1. The Tahsildar,
Office of Taluk Office,
Trichy East Taluk Office, Trichy.

2. The Sub Inspector of Survey,
Office of the Town Survey and Settlement Office,
Ponmalai Division, West Taluk Office, Trichy.

+1 CC to M/s. SPL GP (SR-67878[F] dated 11/06/2019)

+1 CC to M/s. B. JAMEEL ARASU, Advocate (SR-68011[F] dated 11/06/2019)

Arul/Ls

Order made in

W.P. (MD) No. 13019 of 2019

Dated:

10.06.2019

ES/14.06.2019/3P/5C