



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3026 of 2019

S.Ramasamy

... Petitioner

Vs

1.The District Surveyor,
Dindigul District,
Dindigul.

2.The Taluk Surveyor,
Ottanchatram Taluk,
Ottanchatram,
Dindigul District.

3.Thangaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 07.01.2019 and to measure his property comprised in S.No.98/1, 92, 98/2, 96/1 and 94, a total extent of 12 acres of agricultural land situated in Puliyurnatham Village belongs to the petitioner and to fixed the four boundaries.

For Petitioner

: Mr.Babu Rajendran

For R1 & R2

: Mr.K.MU.Muthu

Additional Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for R1 and R2. The third respondent has been served and his name is printed in the cause list. However, he has chosen not to enter appearance either in person or through counsel.

2.The learned counsel appearing for the writ petitioner brings to my attention that already O.S.No.399 of 2014 was filed by the petitioner and his father before the Sub Court, Palani against the third respondent and others and the suit ended in his favour. A copy of the decree dated 25.10.2018 is enclosed in the typed set of papers. It is a decree of declaration and injunction. The petition mentioned property and the property covered by the said decree are one and the same. The petitioner has given an application to the first respondent for carrying out the survey measurement of the property in question. In this regard, he has given an application on 07.01.2019.

3.The respondents 1 and 2 are directed to carry out the survey



measurement and demarcation within a period of two weeks from the date of receipt of a copy of this order.

4.The learned Additional Government Pleader appearing for the respondents informed the Court that when the parties undertook the survey exercise, there was objection from the third respondent. If the third respondent produces any Court order indicating suspension of the decree order dated 25.10.2018 made in O.S.No.399 of 2018, the survey authorities will await the outcome of the appeal proceedings. If the third respondent is not able to produce any such interim order issued by the Appellate Court, the survey authorities will go ahead with their work. If the third respondent prevents the survey authorities from discharging his official duties, the jurisdictional police is mandated to extend police protection for completing the said exercise.

5.The writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Surveyor,
Dindigul District,
Dindigul.

2.The Taluk Surveyor,
Ottanchatram Taluk,
Ottanchatram,
Dindigul District.

+1cc to Mr.BABU RAJENDRAN,Advocate, SR.No.51905

+1cc to M/s.Special Government Pleader,SR.No. 51996

W.P.(MD)No.3026 of 2019
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RMI

KK/SAR-/01.04.2019/2P-5C

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