

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.06.2019****CORAM:****THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR****W.P. (MD) No. 6280 of 2019****WEB COPY**

Pichaimani

... Petitioner

Vs.

1. The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

2. The Firka Surveyor,
Manamadurai Taluk,
Sivagangai District.

3. The Senior Section Engineer (Survey),
Southern Railway,
Sivagangai, Sivagangai.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to conduct survey and demarcate then put up survey stone in Survey Nos.164/1, 164/2, 165/1A and 165/1C in K.K.Pallam, Manamadurai Taluk, Sivagangai District.

For Petitioner	: Mr.R.M.Arun Swaminathan
For Respondents	: Mr.Mari Chelliah Prabhu, AGP for R1 and R2 Mr.Manohar, S.C.for R3

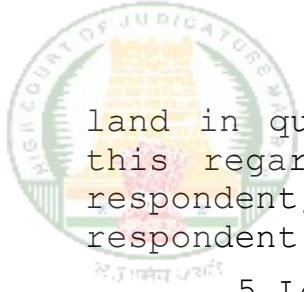
ORDER

The prayer in the Writ petition is for a Writ of Mandamus, directing the second respondent to conduct survey, demarcate and then put up survey stone in Survey Nos.164/1, 164/2, 165/1A and 165/1C at K.K.Pallam, Manamadurai Taluk, Sivagangai District.

2.Heard Mr.R.M.Arun Swaminathan, learned counsel appearing for the petitioner, Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for R1 and R2 and Mr.Manohar, learned standing counsel appearing for R3.

3.The petitioner, in order to survey and find out the boundary and to put up the survey stone in Survey Nos.164/1, 164/2, 165/1A and 165/1C at K.K.Pallam, Manamadurai Taluk, Sivagangai District, has made a request to the first respondent / Tahsildar on 07.03.2019. Since the same so far has not been acted upon, the petitioner is before this Court.

4.In this regard, Mr.Manohar, learned standing counsel appearing for the third respondent / Railway submits that, the



land in question is over lapping the land of the Railway and in this regard, without notice, without the presence of the third respondent, survey should not be undertaken by the first respondent.

5.Learned Additional Government Pleader appearing for the respondents 1 and 2 submits that, pursuant to the representation given by the petitioner, the land in question would be surveyed after giving due notice to the petitioner as well as the third respondent and only in the presence of the representatives of both parties and accordingly, final orders would be passed.

6.Recording the said submission made by the learned counsel appearing for the respondents as well as taking into account the factual matrix of this case, this Writ petition is disposed of with the following direction:

The first respondent is hereby directed to take into account the representation of the petitioner dated 07.03.2019 and act upon thereon for survey the boundary of the land in question claimed to be the petitioner's land by giving proper notice to both petitioner as well as the third respondent and shall undertake the survey work in the presence of the representatives of both petitioner as well as the third respondent and pass final orders thereon, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

nbj

To

1. The Tahsildar,
Manamadurai Taluk, Sivagangai District.
2. The Firka Surveyor,
Manamadurai Taluk, Sivagangai District.
3. The Senior Section Engineer (Survey),
Southern Railway, Sivagangai, Sivagangai.

+ 1 CC to Mr.R.M.Arun Swaminathan, Advocate in SR.No.69811

W.P. (MD) No. 6280 of 2019

19.06.2019