



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.19201 of 2019

Anbu Selvam

... Petitioner

vs.

1.The Thasildar,
West Taluk,
Madurai.

2.The Surveyor,
West Taluk,
Madurai.

3.A.Sekaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to measure / survey and demarcate the property comprised in S.No.1/8B Patta No.2909, Nagamalai Pudukottai, Villacheri Village, Madurai District.

For Petitioner : Mr.R.G.Shankar Ganesh

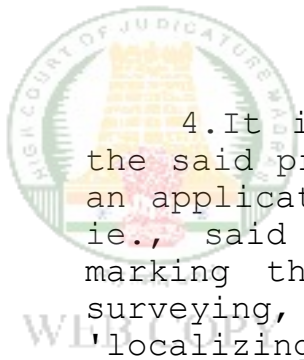
For RR 1 & 2 : Mr.K.Mu.Muthu,
Additional Government Pleader.

ORDER

Mr.R.G.Shankar Ganesh, learned counsel on record for writ petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader who accepts notice on behalf of respondents 1 & 2 (official respondents) are before this Court.

2.To be noted, the third respondent is a private respondent and according to the writ petitioner, the third respondent has, inter alia, an immovable property, which is adjacent to writ petitioner's property.

3.It is writ petitioner's case that the writ petitioner is concerned with his property namely, property comprised in Survey No.1/8B in Villacheri Village, Nagamalai Pudukottai, Madurai District relatable to Patta No.2909 (hereinafter referred to as 'said property' for brevity, clarity and convenience).



4.It is the further case of writ petitioner that he acquired the said property by way of a registered sale deed and he had given an application to the second respondent for localizing his property ie., said property or in other words, surveying, measuring and marking the boundaries of the said property. (This exercise of surveying, measuring and marking the boundaries shall be referred as 'localizing' for the sake of brevity, clarity and convenience).

5.Learned State counsel, who has accepted notice on behalf of respondents 1 and 2 (official respondents) submits that the third respondent had given a like application for localizing his property comprised in Survey No.1/8A2 and that the said exercise has been completed. Be that as it may, that may not necessarily form part of the plea before the Court today as plea before the Court today in the instant writ petition pertains to writ petitioner's request to localize his property ie., said property.

6.In the aforesaid backdrop, this Court is of the considered view that an order which is not in any manner prejudicial to the third respondent and which is not adverse to the third respondent in any manner, can be passed. Therefore, with consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

7.Learned State counsel, who is instructed by the second respondent, who is present in Court, submits that the said property will be localized ie., surveyed, measured and boundaries fixed on 11.09.2019 at 11.00 a.m., in the forenoon. Though obvious, it is made clear that the third respondent has to be put on notice about this process.

8.As this douses the anxiety of the writ petitioner in the instant case, recording the submission of State counsel made in the hearing, this Writ Petition is disposed of. It is made clear that no opinion or view is expressed by this Court on the merits of the matter. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

To

1.The Thasildar,
West Taluk,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Surveyor,
West Taluk,
Madurai.

+1 CC to M/s.SPL GP (SR-85316[F] dated 05/09/2019)

+1 CC to M/s.R. G. SHANKARGANESH, Advocate (SR-85270[F] dated
05/09/2019)

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