



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29794 of 2019
and
W.M.P.No.4120 of 2020

Dr. Ambedkar Salem City Co-operative
House Building Society Ltd., S 1523
Rep. by its Secretary,
No.9, Palpillai Street,
Kottai, Salem - 1.

... Petitioner

Vs.

1.The Commissioner,
Corporation of Salem,
Salem.

2.The Tahsildar,
Sooramangalam,
Salem West.

(R2 suo motu impleaded as per the order made in
W.P.No.29794 of 2019 on 02.12.2020)

... Respondent

Prayer: This Petition filed under Article 226 of the
Constitution of India for issuance of Writ of Mandamus,
directing the respondent to survey and fix the boundary in
T.S.Nos.61,48, 33, 11, 13, 123, 124, 115, 113/1, 108 and Old
Survey No.93/3, Jaggirammalayam Village, Salem.

For Petitioner : Mr.S.Palaniswamy
For Respondents: Ms.K.Bhuvaneswari (for R1)
Additional Government Pleader
Mr.Parthasarathy, (for R2)
Government Advocate

ORDER

The Tahsildar, Sooramangalam, Salem West is suo motu added
as 2nd respondent in this Writ Petition.



2.This Writ Petition has been filed for the issuance of Writ of Mandamus directing the respondents to conduct a survey in the subject property and fix the boundaries by acting upon the representations made by the petitioner Society.

WEB COPY

3.The case of the petitioner Society is that the Society owns the subject property which was purchased in the year 1968 to 1970. The further case of the petitioner Society is that after the property was purchased, the same was plotted in order to make it convenient to allot it as a house site. The petitioner Society therefore, wanted the property to be surveyed in order to fix the boundaries, before undertaking the process of allotment of house sites. Various representations were made by the Society, seeking for conducting the survey in the subject property and the survey fee was also paid by the Society as early as in the year 2016. The grievance of the petitioner society is that no survey was conducted and therefore, left with no other option, the present Writ Petition has been filed before this Court, seeking for appropriate direction.

4.Heard Mr.S.Palaniswamy, learned counsel for the petitioner; Ms.K.Bhuvaneshwari, learned Additional Government Pleader for the 1st respondent and Mr.Parthasarathy, learned Government Advocate for the impleaded 2nd respondent.

5.Taking into consideration the facts and circumstances of the case and the relief sought for in this Writ Petition, there shall be a direction to the petitioner Society to make a fresh application to the 2nd respondent by paying the necessary survey fees. The 2nd respondent on receipt of the application from the petitioner Society shall take a decision, strictly in accordance with law and complete the entire process within a period of eight weeks from the date of receipt of the application from the petitioner Society. The petitioner Society shall submit all the relevant documents along with the representation to enable the 2nd respondent to take a decision in this regard.

6.This Writ Petition is disposed of with the above directions. In view of the final order passed in this Writ Petition, no orders are required in W.M.P.No.4120 of 2020. Accordingly, the same is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sai



To

1. The Commissioner,
Corporation of Salem,
Salem.

2. The Tahsildar,
Sooramangalam,
Salem West.

+1cc to The Government Pleader, SR39068

+1cc to Mr.M.S.Palaniswamy, Advocate, SR38724

W.P.No.29794 of 2019
and
W.M.P.No.4120 of 2020

CO (SRII)
BDL/19/01/2021