

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.01.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.4020 of 2019

A.Mohamed Zakaria .. Appellant

Rep By its Power agent S.Janakiraman

vs.

1. The Thasildar
Sriperumbudur Taluk
Kanchipuram District.
2. The District Surveyor
Sriperumbudur Taluk
Kanchipuram District.
3. The Inspector of Police
C-1, Sriperumbudur Police Station
Sriperumbudur
Kanchipuram District.
4. P.Geetha
5. Palani

.. Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent against the order of this Court dated 4.7.2019 passed by the learned Single Judge in W.P.No.6112 of 2019.

Prayer in W.P.No.6112 of 2019:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Mandamus directing the 1st and 2nd respondent to survey with the assistance of all 3rd respondent and fix boundaries for the properties measuring an extent of 3300 sq.ft.bearing plot No.417 comprised in survey No.231/10 and 231/11 as per patta survey Nos.231/8A2 and the property measuring an extent of 1900 sq.ft out of the total extent of 2760 sq.ft comprised in survey No.231/11 patta No.1879 and as per patta survey No.231/8A3A the Northern side portion of the shop site both situated in Happy land colony Mavalur Kupam village sriperumbudur Taluk Kanchipuram District in time bound manner.

For Appellant : Mr.R.Chandrasudan

For Respondents : Mr.R.Udayakumar
Addl. Government Pleader
for respondents 1 to 3

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard learned counsel for the appellant.

2. The writ petition has been dismissed with the following observation made in paragraph (5) of the impugned judgment:

"5. In the aforesaid circumstances, there does not appear to be any justification to exercise the discretionary powers of this Court under Article 226 of the Constitution to grant the relief sought by the Petitioner at this stage. However, it is made clear that it is open to the Petitioner to seek for survey of his lands after the disposal of the application in I.A. No. 1255 of 2017 in O.S. No. 301 of 2017 on the file of the Sub Court, Kanchipuram, or if the Petitioner agrees for simultaneous survey of the land of the Fourth and Fifth Respondents, which is the subject matter of I.A.No.1255 of 2017 in O.S. No. 301 of 2017 along with his lands."

3. Learned counsel submits that there should be a specific direction for the same. The contention is misconceived inasmuch as the learned Single Judge has already left it open in the given circumstances for the appellant to approach for a survey and in the event any such request is made to the competent authority, the same shall be dealt with in accordance to law.

The impugned judgment, therefore, requires no interference in the appeal and, therefore, the writ appeal is consigned to records with the above observation. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Thasildar
Sriperumbudur Taluk
Kanchipuram District.
2. The District Surveyor
Sriperumbudur Taluk
Kanchipuram District.
3. The Inspector of Police
C-1, Sriperumbudur Police Station
Sriperumbudur
Kanchipuram District.

+1cc to Mr.R.Chandrasudan , Advocate SR.No. 3065

+1 cc to Government Pleader Sr.No. 3471

W.A.No.4020 of 2019

A.SK(04/02/2020)