



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD) No.15557 of 2020

and

W.M.P. (MD) No.13058 of 2020

S.A.Jayarajan @ Jayachandran

... Petitioner

-Vs-

1.The Tahsildhar,
Madurai South Taluk, Madurai.

2.The Taluk Surveyor,
Madurai South Taluk, Madurai.

3.Nadhia

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the second respondent to survey the property bearing door No.4/87 and 4/89 (New Door No.4/91 and 4/96) situated in Natham Survey No.57/1 (New Survey No.209/3), Viraganur Village, Madurai South Taluk, Madurai within the time stipulated by this Court in pursuant to the application of the petitioner dated 27.10.2020.

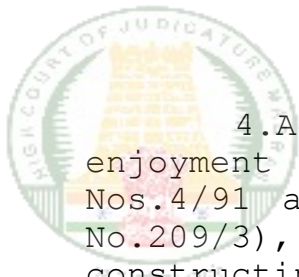
For Petitioner	:	Mr.G.Prabhu Rajadurai
For R1 and R2	:	Mr.K.P.Krishnadoss Special Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the second respondent to survey the property bearing door Nos.4/87 and 4/89 (New Door Nos.4/91 and 4/96) situated in Natham Survey No.57/1 (New Survey No.209/3), Viraganur Village, Madurai South Taluk, Madurai, within the time stipulated by this Court in pursuant to the application of the petitioner dated 27.10.2020.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to her is dispensed with.



4. According to the petitioner, he is in possession and enjoyment of the property bearing door Nos.4/87 and 4/89 (New Door Nos.4/91 and 4/96) situated in Natham Survey No.57/1 (New Survey No.209/3), Viraganur Village, Madurai South Taluk, Madurai. While constructing a house in the said property, the petitioner has left his eastern wall. The property on the eastern side of the petitioner's property, was owned by one Seethalakshmi and the third respondent has purchased the same from the said Seethalakshmi through a document dated 22.10.2020. While executing the same in favour of the third respondent, the said Seethalakshmi has included the eastern portion of the petitioner's property in the measurement. Now, the third respondent is trying to encroach the property of the petitioner. Therefore, the petitioner has made an application dated 27.10.2020 to the second respondent. Since no order has been passed on the application of the petitioner, he has approached this Court, seeking aforesaid prayer.

5. This Court without going into the merits of the case, directs the respondents 1 and 2 to survey the property of the petitioner, after affording opportunity to the third respondent. The said survey shall be photographed and videographed in the presence of the petitioner and the costs of Photograph and Videograph to be borne by the petitioner. Such exercise shall be completed, within a period of three (3) months from the date of receipt of a copy of this order. At the time of conducting survey and in case of issuance of patta, the guidelines issued by this Court in W.P.(MD) No.13465 of 2020, dated 13.10.2020 and W.P.(MD) Nos.7746 of 2020 etc., batch dated 23.09.2020, have to be scrupulously followed.

6. It is needless to mention that this Court has not decided the rights of the parties, namely, the petitioner and the third respondent in this Writ Petition and no adverse order has been passed against the third respondent. Therefore, the petitioner cannot contend that adverse order has been passed against the third respondent.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

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



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Tahsildhar,
Madurai South Taluk, Madurai.

2.The Taluk Surveyor,
Madurai South Taluk, Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-21381[F] dated 06/11/2020)

+1 CC to M/s.GP (SR-21627[F] dated 09/11/2020)

Order made in

W.P. (MD) No.15557 of 2020

06.11.2020

CK(CO)

AP(23/11/2020) 3P 5C