



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.11876 of 2012

(Through Video Conferencing)

R.Satheeshkumar

...Petitioner

Vs.

- 1.The Tahsildar, Kalkulam Taluk
Kanyakumari District.
- 2.The Taluk Surveyor, Kalkulam Taluk
Kanyakumari District.
- 3.The Sub Inspector of Police,
Anti Land Grabbing Special Cell
Kanyakumari District @ Nagercoil.
- 4.Rosamma
- 5.Sathasivam
- 6.Saraswathi
- 7.V.T.Varunni
- 8.C.J.Jose Paul
- 9.Sub Registrar,
Thiruvattar Sub Registrar Office,
Thiruvattar Kanyakumari District.

...Respondents

(R4 to R9 have been impleaded
as per the order of this Court dated 10.09.2012 made
in M.P.No.1 of 2012)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the first respondent to measure the petitioner's land in Resurvey No.449/12 of Thiruvattar Village on the basis of his documents with the help of the second respondent and to submit a report to him so as to enable him to produce the same before the third respondent herein at the time of enquiry.

For Petitioner :Mr.Brijesh Kishore

For Respondents :Mr.B.Bhagavathy for R1 to R3 & R9

R8 :Mr.C.K.M.Appaji

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first respondent to act upon the



representation made by the petitioner on 08.08.2012, wherein the petitioner is seeking for the survey of the subject property.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and 9.

WEB COPY

3. It is seen from the records that there was already a civil suit between the parties, which ultimately ended up in execution proceedings and delivery of possession. The petitioner wants the survey to be conducted on the ground that the contesting respondents are once again trying to grab the property that was delivered to he petitioner. This presumably is done on the ground of improper identification of the property.

4. The learned counsel on either side have raised various contentions touching upon the merits of the case. This Court does not want to go into the merits of the case.

5. This writ petition is disposed of with a direction to the first respondent to consider the representation made by the petitioner on 08.08.2012 on its own merits and in accordance with law. The first respondent shall take into consideration the civil proceedings in O.S.Nos.649/82 and 843/12, while taking a decision to survey the subject property. The first respondent shall issue notice to the petitioner and all the other contesting parties and shall provide them with an opportunity before taking a decision. The first respondent shall complete the process within three months from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the first respondent along with all relevant documents and also a copy of this order.

7. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Tahsildar, Kalkulam Taluk
Kanyakumari District.
 - 2.The Taluk Surveyor, Kalkulam Taluk
Kanyakumari District.
 - 3.The Sub Inspector of Police,
Anti Land Grabbing Special Cell
Kanyakumari District @ Nagercoil.
 - 4.The Sub Registrar,
Thiruvattar Sub Registrar Office,
Thiruvattar Kanyakumari District.
- +1 CC to M/s.SPL GP (SR-17340[F] dated 23/04/2021)

W.P. (MD) No.11876 of 2012
22.04.2021

RP (25.05.2021) P 6C