



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 05.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.11040 of 2021
(Through Video Conferencing)

K.Sakthivel,

... Petitioner

Vs.

1.The Commissioner
Cumbum Municipality
Cumbum, Theni District.

2.The Town Sub Inspector of Survey,
Cumbum Municipality, Cumbum

3.The Inspector of Police,
Cumbum South Police Station,
Cumbum, Theni District.

4.G.Saroja

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to survey the land to an extent of 2079 sq. ft. situated in T.S.No.10, Municipal Ward No.B, Block No.11, Cumbum Town, Uthammapalayam Taluk, Theni District and consequently direct the 3rd respondent to provide adequate police protection.

For Petitioner :Mr.P.Arun Jayatram
For Respondent :Mr.M.Lingadurai for R1 to R3
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first and second respondents to conduct the survey in the subject property.

2. The case of the petitioner is that he is the owner of the subject property and originally, the property was leased out to various tenants. According to the petitioner, when the tenants vacated the property, they had damaged the drainage pipe and water pipe. This resulted in clogging of water and action has taken against the petitioner by the police. It is stated that the fourth respondent wanted to conduct a survey and she also paid survey fees.



The fourth respondent is the neighbour of the petitioner. The second respondent issued notice based on the application made by the 4th respondent and the petitioner also agreed for conducting the survey. All of a sudden, the fourth respondent gave a letter to the second respondent and stopped the survey.

3. In the meantime, the petitioner also made a request to the second respondent on 04.02.2021 to survey the property. The petitioner also paid the necessary fees. The grievance of the petitioner is that the fourth respondent has not permitted the second respondent to conduct the survey and therefore, left with no other option, the present writ petition has been filed before this Court seeking for appropriate directions.

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

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to conduct a survey after issuing notice to the petitioner and the fourth respondent and the survey shall be conducted based on the title documents of the parties and it shall be completed within a period of four weeks from the date of receipt of a copy of this order. If there is any resistance and any law and order problem is created, the third respondent is directed to provide police protection.

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

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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

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Cumbum, Theni District.

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Cumbum Municipality, Cumbum

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Cumbum, Theni District.

+1 CC to M/s.SPL GP (SR-21511[F] dated 07/07/2021)

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