



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1512 of 2021

and

C.M.P. (MD)No.6204 of 2021

P.Chinnukalai	... Appellant/4 th Respondent
1.K.Selvendran	Vs. ... Respondent No.1/Petitioner
2.The Tahsildar, Vadipatti Taluk, Vadipatti, Madurai District.	
3.The Head Surveyor, Vadipatti Taluk, Vadipatti, Madurai District.	
4.The Inspector of Police, Kadupatti Police Station, Kadupatti, Samayanallur Sub Division, Madurai District.	... Respondents 2 to 4/ Respondents 1 to 3

PRAYER: Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD)No.10937 of 2021, dated 02.07.2021, on the file of this Court.

Prayer in WP(MD). 10937/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st and 2nd respondents to consider the petitioners application dt 07.06.2021 requesting the respondents 1 and 2 to demarcate the measured land in Survey No.197/4A2 with the help of 3d respondent/police within a time limit fixed by this Honble Court and thus render justice.

For Appellant : Mr.C.Jeyaprakash

For Respondents : Mr.B.Saravanan
Government Advocate
for R.2 to R.4



JUDGMENT

(Judgment of this Court was made by **M.DURAISWAMY, J.**)

Challenging the order passed in W.P.(MD)No.10937 of 2021, the fourth respondent in the writ petition has filed the above Writ Appeal.

2. The writ petitioner filed the writ petition for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's application dated 07.06.2021, requesting the respondents 1 and 2 to demarcate the measured land in Survey No.197/4A2 with the help of the third respondent/police, within a time frame.

3. The learned Single Judge, taking into consideration the case of both parties, disposed of the writ petition, directing the respondents 1 and 2 in the writ petition, to act upon the application submitted by the writ petitioner and fix the date for the survey of the subject property. Further, the learned Single Judge directed the authority to issue notice to the fourth respondent in the writ petition, who is the appellant herein. Further, it has been ordered that the survey shall be conducted based on the title documents of the parties. The learned Single Judge also observed that thereafter, the official respondents shall fix the boundaries and demarcate the property and if there is any resistance on the part of the appellant, it is left open to the official respondents to take the help of the Police.

4. Challenging this order, the fourth respondent in the writ petition has filed the above writ appeal.

5. On a reading of the order passed by the learned Single Judge, it is clear that the learned Single Judge has directed the official respondents to issue notice to the appellant and also give liberty to the parties to produce the title documents and further directed the official respondents to fix the boundaries and demarcate the property, after considering the title documents. Therefore, we are of the considered view that the appellant shall not be prejudiced in any manner by the order passed in the writ petition.

6. The learned Counsel for the appellant submitted that pursuant to the order passed in the writ petition, the official respondent issued notice, dated 12.07.2021, calling upon him to appear for enquiry on 20.07.2021, but, the official respondent refused to receive the title documents from him. However, the appellant has not produced any proof for the production of the title documents before the official respondent on 20.07.2021. That apart, the said ground has not been raised as a ground in the writ appeal.



Therefore, the submission made by the learned Counsel for the appellant cannot be accepted.

7. For the reasons stated above, we do not find any reason to interfere with the order passed in the writ petition. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed. It is needless to say that the official respondent shall fix the boundaries and demarcate the property, only after considering the title documents of the parties, as ordered by the learned Single Judge in W.P.(MD)No.10937 of 2021, dated 02.07.2021.

8. The learned Counsel for the appellant submitted that the appellant would produce all the documents immediately on receipt of the notice from the official respondent.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

To

- 1.The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.
- 2.The Head Surveyor,
Vadipatti Taluk,
Vadipatti,
Madurai District.
- 3.The Inspector of Police,
Kadupatti Police Station,
Kadupatti,
Samayanallur Sub Division,
Madurai District.

+1 CC to M/s.GP (SR-25190[F] dated 04/08/2021)

W.A. (MD)No.1512 of 2021

and

C.M.P. (MD)No.6204 of 2021

03.08.2021

RD(10.08.2021) 3P 5C