



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13955 of 2021

and

W.M.P.(MD)No.10900 of 2021

WEB COPY

J.B.Soundararani

... Petitioner

Vs.

1.The Commissioner,
Vickramasingapuram Municipality,
Tirunelveli.

2.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 1st respondent from constructing the community hall at Nanja Land in S.No.712/2 of Vickramasingauram Village Part - I, Ambasamudram Taluk, Tirunelveli District.

For Petitioner : Mr.V.S.Kishok Kumar

For Respondents : Mr.H.Arumugam for R1

Mr.R.Baskaran,

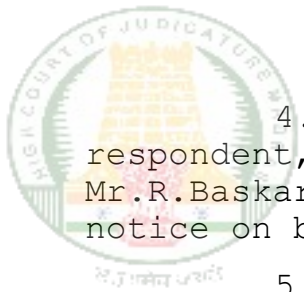
Standing Counsel for State for R2

ORDER

The petitioner seeks a direction to the first respondent to prevent the construction of a community hall in Survey No.712/2, Vickramasingauram Village Part - I, Ambasamudram Taluk, Tirunelveli District.

2.The petitioner states that he purchased nanja land in Old Survey No.712, New Survey No.712/2 of the aforesaid village admeasuring about 68 cents from his brother B.Anbalagan through a registered sale deed dated 09.07.1987. He states that a joint patta was issued in his favour.

3.The petitioner further states that the first respondent has taken a decision to construct a community hall under the MLA's Welfare Fund in Survey No.715/4 which is adjacent to his property at Survey No.712/2. Therefore, he submitted an objection on 23.07.2021 stating that such construction would impede ingress to and egress from his property. The petitioner further alleges that the first respondent has proceeded with the construction activity without even properly identifying the property. The present writ petition is filed in the said facts and circumstances to restrain such



4.Mr.H.Arumugam, learned standing counsel for the first respondent, accepts notice on behalf of such respondent. Mr.R.Baskaran, learned standing counsel for the State, accepts notice on behalf of the second respondent.

5.Mr.H.Arumugam contends that the Municipality has commenced construction work only in Survey No.715/4 and not in Survey No.712/2. In fact, he submits that such construction activity was commenced after carrying out a survey and identifying the boundaries of the property bearing Survey No.715/4, which is Government poramboke land. In any event, he states that the first respondent has no objection to the conduct of a survey as regards the petitioner's land bearing Survey No.712/2 so as to enable the fixation of the boundaries thereof. However, he submits that such survey should be completed as quickly as possible so as to enable the first respondent to proceed further with the construction.

6.From the rival submissions, as set out above, it is clear that the entire dispute hinges on whether the first respondent's construction is in Survey No.715/4 or Survey No.712/2. This controversy can be resolved if the petitioner's property is surveyed expeditiously and if the boundaries thereof are fixed.

7.Accordingly, the second respondent herein is directed to carry out a survey of the land in Survey No.712/2 of Vickramasingaaram Village Part - I, Ambasamduram Taluk, Tirunelveli District within a period of fifteen (15) days from the date of receipt of a copy of this order. Such survey shall be undertaken after putting both the petitioner and the first respondent on notice and providing them with a reasonable opportunity to raise any objections in relation thereto. Once such survey is completed and if it is evident therefrom that the first respondent's construction is taking place on Survey No.715/4, there should be no impediment for the first respondent to proceed further with such construction in accordance with law.

8. W.P.(MD).No.13955 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD)No.10900 of 2021 is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM



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.

WEB COPY

To:

1.The Commissioner, Vickramasingapuram
Municipality,
Tirunelveli.

2.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

+1 CC to M/s.V.S.KISHOK KUMAR, Advocate(SR-26020[F] dated 11/08/2021)

+1 CC to M/s.GP (SR-26051[F] dated 12/08/2021)

W.P (MD) No.13955 of 2021
11.08.2021

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