



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.22321 of 2021

1.P.Shankar

2.P.Ganesan

... Petitioners

vs.

The Commissioner,
Trichy City Municipal Corporation,
Trichy, Trichy District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to survey the petitioners' property admeasuring 5705 sq.ft at T.S.No.1265 at Theppakulam Street, Srirangam, Trichy District and fix boundaries within a stipulated period on the basis of representation of the petitioners, dated 09.10.2021.

For Petitioners : Mr.B.Rajesh Saravanan

For Respondent : Mr.R.Baskaran
Additional Advocate General
of Standing Counsel
assisted by Mr.P.Parthiban

ORDER

The writ petition has been filed in the nature of Writ of Mandamus, seeking a direction to the respondent to survey the petitioners' property admeasuring 5705 sq.ft at T.S.No.1265 at Theppakulam Street, Srirangam, Trichy District and fix the boundaries. The petitioners had given a representation on 09.10.2021.

2.Heard Mr.B.Rajesh Saravanan, learned counsel for the petitioners and Mr.R.Baskaran, learned Additional Advocate General of Standing Counsel assisted by Mr.P.Parthiban, who takes notice on behalf of the sole respondent.

3.The claim of the petitioners is that originally their forefather had been in possession of 12570 sq.ft., in T.S.No.1265 in Theppakulam Street, Srirangam, Trichy District. Out of the said area, a portion measuring 6865.5 sq.ft., was sold in public auction on 13.02.1957 by the learned Sub Court, Trichy in E.P.No.165 of 1955 in O.S.No.245 of 1953. The purchasers had gifted that particular land measuring 6865.5 sq.ft to the respondent and in that particular land, the respondent is running a school.



4.However, the grievance expressed by the learned counsel for the petitioners is that the staff of the school and other officials both teaching and non-teaching are encroaching on a regular basis on the lands which are still owned by the petitioners herein, which measures 2820 sq.ft. There is no boundary wall and fence dividing the two portions of the land. The land is also vacant. It has therefore made it convenient for staff to enter into the lands of the petitioners. It is for that reason, they had given a representation seeking measurement of their holding and to fix the boundary walls.

5.In the first instance, let the respondent/Commissioner, Trichy City Municipal Corporation, Trichy, Trichy District, issue notice to the petitioners and make a preliminary enquiry. Thereafter, if an on-line application is required to be furnished for conducting of the survey, then the petitioners must give such an on-line application and pay necessary charges and thereafter, with the assistance of the Jurisdictional Tahsildar and the surveyor, the respondent, in the presence of the petitioners and also in the presence of the school officials, proceed further to measure the area and mark the boundary walls. After that exercise is done, the petitioners are also permitted to put up fence/boundary wall, demarcating their land herein. The entire exercise of conducting survey and demarcating the property should be completed within a period of twelve weeks from the date on which an on-line application, if required, is furnished by the petitioners. If it is not so, then the exercise must be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6.Observing as above, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

To
The Commissioner,
Trichy City Municipal Corporation,
Trichy, Trichy District.

+1 CC to M/s.R.Baskaran, Advocate (SR.No.39092)

W.P.(MD) No.22321 of 2021

16.12.2021