



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4840 of 2022

A.Padma

... Petitioner

Vs.

1. The Tahsildar,
Salem West,
Salem City, Salem.

2. The Town Sub Inspector of Survey,
Sooramangalam, Zonal Corporation Office,
Old Sooramangalam, Suramangalam Post,
Salem - 636005.

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus or any other appropriate writ, order by directing the respondents herein to survey the property comprised in TS.No.3/3, 3/8, 3/9, 3/10 and 3/11 of Narasothipatti Village, Salem West Taluk, Salem District in the light of the Judgment of this Hon'ble Court made in the order dated 05.10.2020 in WP(MD) No.13465 of 2020 and fix boundary stones within a reasonable time as fixed by this Hon'ble Court.

For Petitioner : Mr.R.Nalliyappan

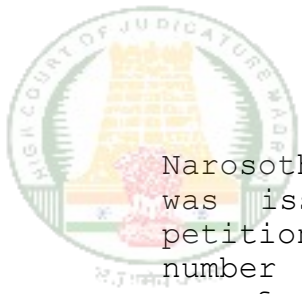
For Respondents : Mr.G.Nanmaran
Special Government Pleader

O R D E R

Writ Petition has been filed to direct the respondents herein to survey the property comprised in TS.No.3/3, 3/8, 3/9, 3/10 and 3/11 of Narasothipatti Village, Salem West Taluk, Salem District in the light of the Judgment of this Court made in the order dated 05.10.2020 in WP(MD) No.13465 of 2020 and fix boundary stones within a reasonable time as fixed by this Court.

2. Mr.G.Nanmaran, Special Government Pleader takes notice for the respondents.

3. The case of the petitioner is that the petitioner is the owner of the property comprised in SF.No.39/2B2 of



Narosothipatti Village to an extent of 17 cents and joint patta was issued for 1.97 acres by including the name of the petitioner along with other land owners jointly. Now the survey number has been renumbered as Town Survey No.3/3. While being so, for the property belongs to the petitioner, there is a public pathway existing and in the revenue records it is mentioned as "Nilaviyal Pathai". Some of the real estate owners were encroached over the said pathway, hence the petitioner made a detailed representation before the respondents to survey the entire stretch of the properties enable to find out the encroachments. Thereafter, the 2nd respondent also conducted enquiry on the application of the petitioner. While being so, one Mr.Andiappan filed a suit in O.S.No. 584 of 2021 on the file of the III Additional District Munsif Court at Salem for a relief of Permanent Injunction. Subsequent to that the 2nd respondent evaded to survey the said property by stating that the suit is pending with respect of the said property. Thereafter, the petitioner made a representation on 20.11.2021 and the same was forwarded by the Revenue Inspector on 16.12.2021. On that date, the plaintiffs in the suit were not appeared, thereby the survey was not carried out. Hence, the present petition has been filed seeking the aforesaid relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 2nd respondent to implement the order dated 16.12.2021 and dispose of the same in accordance with law within a particular time frame fixed by this Court.

5. The learned Special Government Pleader has no objection to the said order being passed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 20.11.2021, and pass appropriate orders after providing opportunity to the plaintiffs in O.S.No.584 of 2021, on the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rgi/nhs



To

1. The Tahsildar,
Salem West,
Salem City, Salem.
2. The Town Sub Inspector of Survey,
Sooramangalam, Zonal Corporation Office,
Old Sooramangalam, Suramangalam Post,
Salem - 636005.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.14902

+1cc to the Government Pleader, S.R.No.15527

W.P.No.4840 of 2022

PA (CO)
SU (24/03/2022)