



WEB COPY



WP No. 14818 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

and

THE HONOURABLE MR. JUSTICE P.B. BALAJI

Writ Petition No. 14818 of 2018

and

W.M.P. No. 17524 of 2018

S. Duraisamy

.. Petitioner

Versus

1. The District Collector
Coimbatore District
Coimbatore

2. The Assistant Director of Land Survey
Coimbatore
Coimbatore District

3. The Revenue Divisional Officer
Coimbatore
Coimbatore District

4. The Tahsildar
Sulur Taluk
Coimbatore District

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to survey the properties comprised in Survey No.522/1 situate at Karumathampatti Village, Sulur Taluk (the then Palladam Taluk) Coimbatore based on the communication of the



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second respondent dated 22.03.2018 made in Na.Ka.No.2437/2018/E3 which was issued in pursuance of the representation of the petitioner dated 15.03.2018 forthwith and to forbear the respondents from interfering with the petitioner's possession and enjoyment of the property comprised in Survey No.522/1B situate at Karumathampatti Village, Suler Taluk (the then Palladam Taluk) Coimbatore District measuring to an extent of 2.77 acres including petitioner's house and compound wall till the finalisation of survey of land, forthwith.

For Petitioner : Mr. C. Prabhakaran
For Respondents : Mr. A. Selvendran,
Special Government Pleader

ORDER

[Order of the Court was made by R.MAHADEVAN,J,]

The Petitioner has filed this writ petition praying to issue a Writ of Mandamus directing the respondents to survey the properties comprised in Survey No.522/1 situate at Karumathampatti Village, Suler Taluk (the then Palladam Taluk) Coimbatore based on the communication of the second respondent dated 22.03.2018 made in Na.Ka.No.2437/2018/E3, forthwith and to forbear the respondents from interfering with the petitioner's possession and enjoyment of the property comprised in Survey No.522/1B situate at Karumathampatti Village, Suler Taluk (the then Palladam Taluk) Coimbatore District measuring to an extent of 2.77 acres including petitioner's house and compound wall till the finalisation of survey of land.



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2. In the affidavit filed in support of the writ petition, it is stated by the petitioner that he had purchased the property comprised in Survey No.522/1B measuring an extent of 2.77 acres by way of a registered sale deed dated 03.03.1994 and upon such purchase he has also mutated the revenue records. Subsequently, a registered exchange deed dated 22.10.2009 came to be executed between the petitioner and one M. Natarajan, by which they have exchanged the lands comprised in Survey No. 522/1B, whereby the petitioner became entitled to land measuring 3891 1/2 square feet and the said Natarajan got the land measuring 2282 square feet for convenient enjoyment. Subsequently, the petitioner executed a registered gift deed dated 01.09.2016 in favour of his daughter Abirami settling the land measuring 3891 1/2 square feet in Survey No.522/1B. Thereafter, the petitioner and his daughter constructed a building, but while constructing a compound wall, a dispute arose between the petitioner and one Karthikeyan, his son in law, resulting in filing of O.S. No. 246 of 2017 before the learned III Additional District Munsif Court, Coimbatore. Ultimately, the petitioner and the aforesaid Karthikeyan have compromised the dispute which was recorded and a compromise decree dated 19.04.1997 was passed.



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3. The grievance of the petitioner is that when the petitioner was in peaceful possession and enjoyment of the land and building, including the compound wall, the respondents, without putting him on notice, have unceremoniously demolished the compound wall on 13.03.2018. While so, the petitioner submitted a representation dated 15.03.2018 to the respondents to survey the land and to fix the boundaries by clear demarcation of the lands between the petitioner and his adjacent land owner. On receipt of the representation, the second respondent, by a communication dated 22.03.2018 directed the fourth respondent to survey the lands of the petitioner and to submit a compliance report. In spite of the same, so far, the fourth respondent did not carry out a survey of the lands, therefore, the petitioner is before this Court with this writ petition.

4. When the writ petition is taken up for hearing, the learned Special Government Pleader, on instructions, submitted that the lands have been surveyed and the boundaries have been clearly demarcated. Therefore, he would submit that nothing survives for adjudication in this writ petition.

5. The learned counsel for the petitioner, at this stage, submitted that the petitioner is no more and therefore, liberty may be given to the legal heirs



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of the petitioner to approach the respondents, if they have any grievance, in this regard. Granting such liberty, the writ petition is closed. No costs.

Consequently, connected miscellaneous petition is also closed.

(R.M.D., J) (P.B.B., J)

07.02.2023

ay/rsh

Index:Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

Copy to

1. The District Collector
Salem District
Salem - 636 001
2. The Revenue Divisional Officer
Salem - 636 001
3. The Revenue Tahsildar
Salem West
Salem



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R. MAHADEVAN, J
and
P.B. BALAJI, J

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