

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S. SIVAGNANAM

W.P. No.29328 of 2013

G.Devika

... Petitioner

-vs-

1.The Tahsildar, Taluk Office,
Ponneri Taluk, Ponneri,
Thiruvallur District.

2.The Inspector of Survey,
Taluk Office, Ponneri,
Thiruvallur District.

3.The Inspector of Police,
E-5 Police Station,
Chozhavaram, Thiruvallur District.

4.Bhakthavatchalam

5.Pachaiyammal

6.Gopi

7.Krishnan
(R4 to R7 impleaded as per order
dated 07.02.2014 by KRCBJ in M.P.
No.1/2013 in W.P. No.29328/2013)

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 1st and 2nd respondents to measure the petitioner's land in Survey No.8/14 at the extent of 1 acre 3 cents situated at 127 Puthur Kandigai Village, Ponneri Taluk, Thiruvallur District and also to direct the third respondent to provide police protection at the time of measuring the petitioner's land.

For Petitioner
For Respondents

: Mr.K.L.Sekar
: Mr.R.Vijayakumar,
AGP for R1 to R3
Ms.R.Gobika for R4 to R7

O R D E R

Heard Mr.K.L.Sekar, learned counsel for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents 1 to 3 and Ms.R.Gobika learned counsel for R4 to R7.

2.The petitioner seeks direction upon the 1st and 2nd respondents to measure the petitioner's land in Survey No.8/14 at the extent of 1 acre 3 cents situated at 127 Puthur Kandigai Village, Ponneri Taluk, Thiruvallur District and also to direct the third respondent to provide police protection at the time of measuring the petitioner's land.

3.The petitioner claims that he is entitled to the property, since the petitioner's ancestors were the absolute owners of the property.

4.Private respondents have filed counter affidavit stating that the petitioner is deliberately suppressed the fact regarding the pending of the suit in O.S. No.234 of 2009, which has been filed by the fourth respondent in which the petitioner is the second defendant and the application for amendment of the Survey Number in the plaint has already been taken out by the fourth respondent in I.A. No.238 of 2013. Further it is submitted that only for the purpose of dragging the suit, the present writ petition has been filed by the petitioner and the next hearing date given by the Civil Court is on 24.03.2015. Further in the counter affidavit filed by respondents 4 to 7 it is stated that the property is the Government property and a copy of the adangal is produced to show that the property is the Government property.

5.This issue cannot be gone into by this Court, since the suit is pending and though the petitioner had entered appearance in the suit, the petitioner has suppressed the fact in the affidavit filed in support of the petition. Hence the relief sought for by the petitioner cannot be granted. The petitioner is directed to appear before the Civil Court on 24.03.2015 and after the Civil Court passes order, it is open to the petitioner to work out his remedy in the manner known to law. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Tahsildar, Taluk Office,
Ponneri Taluk, Ponneri,
Thiruvallur District.

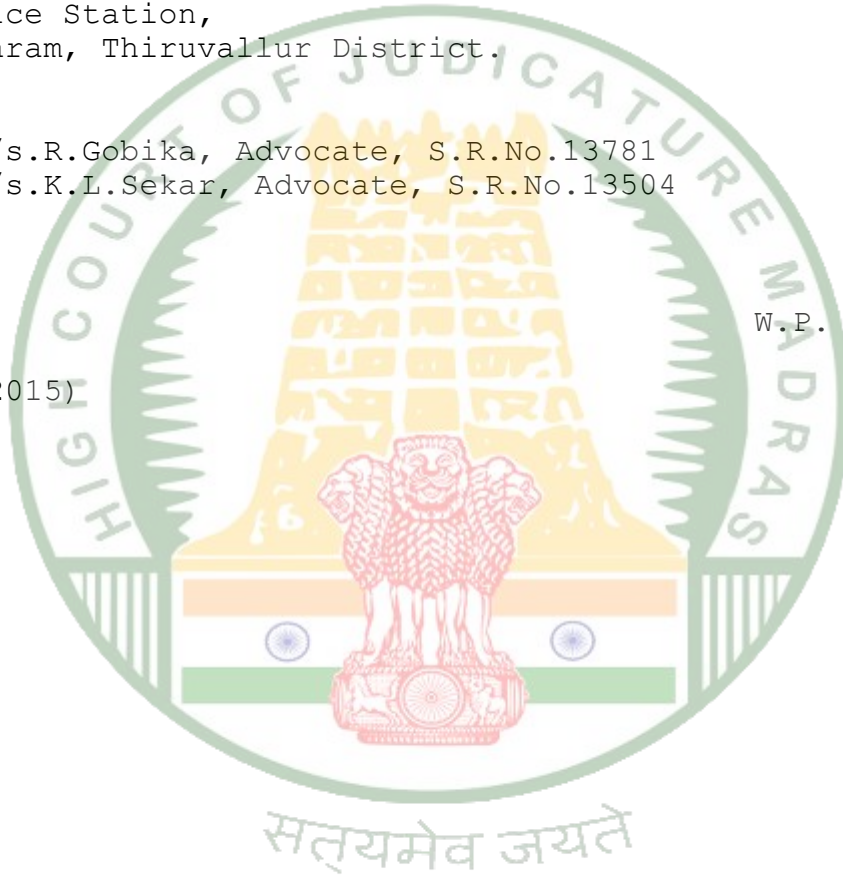
2.The Inspector of Survey,
Taluk Office, Ponneri,
Thiruvallur District.

3.The Inspector of Police,
E-5 Police Station,
Chozhavaram, Thiruvallur District.

+1cc to M/s.R.Gobika, Advocate, S.R.No.13781
+1cc to M/s.K.L.Sekar, Advocate, S.R.No.13504

SCD(CO)
CA(19/03/2015)

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