



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2015**

CORAM

THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

WEB COPY

**W.P(MD) .No.18067 of 2015**

**and**

**M.P(MD) No.1 of 2015**

C.Sundarapandian

...Petitioner

Vs.

1.The District Collector,  
Madurai District.

2.The Thasildar,  
Madurai South Taluk,  
Madurai District.

3.The Land Surveyor,  
Madurai South Taluk,  
Madurai District.

4.The Village Administrative Officer,  
Madurai South Taluk,  
Madurai District.

5.P.Shanmugasundaram

...Respondents

This Writ Petition has been filed praying for a Writ of Mandamus directing the third respondent to consider the petitioner's representation, dated 02.10.2015 that not to measure the suit property comprised in Survey No.190/6 measuring to an extent of 1 acre 3 cents situated at Viraganoor Village, Madurai District by the third respondent.

For petitioner : Mr.J.Vijayaraja

For R-1 to R-4

: Mr.S.Kumar,

Additional Government Pleader

For R-5

: Mr.Sundravadivel

**ORDER**

The Writ Petition has been filed praying for a Writ of Mandamus directing the third respondent to consider the petitioner's representation, dated 02.10.2015 requesting not to measure the property measuring to an extent of 1 acre 3 cents comprised in Survey No.190/6 situated at Viraganoor Village, Madurai District.



2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents 1 to 4 and Mr.C.Sundravadivel, learned counsel takes notice for the fifth respondent.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the property measuring to an extent of 1 acre 3 cents comprised in Survey No.190/6 situated at Viraganoor Village Madurai District, which comes within the circle of M/s.Ramachandran bricks, is a chamber dry land and was in peaceful possession and enjoyment of the petitioner and his brother for the past 40 years. While so, the fifth respondent has filed a suit in O.S.No.141 of 2015 before the District Munsif Court, Madurai, seeking for permanent injunction against the petitioner and his brothers and the same is still pending. At this juncture, on 07.08.2015, the fifth respondent trespassed into the above said land along with rowdy elements. Hence, the petitioner has made a complaint before the Silaiman Police Station and based on the same, a case in Crime No.301 of 2015 was registered and the same was forwarded to the Revenue Divisional Officer under Section 145 Cr.P.C. While the matter stood thus, the fifth respondent by suppressing all the above said facts made a petition to the third respondent to survey the above said land and for which, the fourth respondent served a notice to the petitioner on 01.10.2015 for measurement of the suit property on 06.10.2015. Immediately, the petitioner made a representation to the respondents on 02.10.2015 requesting not to measure the property in Survey No.190/6. Since the same was not considered so far, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. The main grievance of the petitioner is that when a suit is pending before the civil Court, the fifth respondent is making an attempt to measure the property with the help of the third respondent. Hence, the learned counsel for the petitioner submitted that a direction may be given not to measure the property.

6. However, the learned counsel for the fifth respondent submitted that already the fourth respondent had issued notice to the petitioner asking him to be present at 10.00 a.m., on 06.10.2015 to measure the subject property, but the petitioner has not challenged the said notice.

7. However, I am of the opinion that since the petitioner had <https://hcservicesadmts.gov.in/hcservices/> representation to the respondents, a direction could be given to the third respondent to consider the said representation.



8. Accordingly, without going into the merits of the averments made in the Writ Petition, this Court directs the third respondent to consider the representation of the petitioner, dated 02.10.2015 and pass appropriate orders on merits and in accordance with law with regard to measurement of the property measuring to an extent of 1 acre 3 cents comprised in Survey No.190/6 situated at Viraganoor Village, Madurai District, by affording an opportunity of hearing to the petitioner as well as the fifth respondent and all other necessary parties, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

**To**

1.The District Collector,  
Madurai District.

2.The Thasildar,  
Madurai South Taluk,  
Madurai District.

3.The Land Surveyor,  
Madurai South Taluk,  
Madurai District.

4.The Village Administrative Officer,  
Madurai South Taluk,  
Madurai District.

+1cc to Mr.J.Vijayaraja, Advocate Sr.No.59256  
+1cc to Mr.C.Sundara Vadivel, Advocate Sr.No.58758  
+1cc to Spl.GOvernemnt Pleader Sr.No. 58901  
pm  
AA/GSV-PM/15.10.2015/3p-8c

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