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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.594 of 2015

and

M.P.No.1 of 2015

P.Chellamurugan

:Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Thasildar,
Thoothukudi Taluk, Thoothukudi.

3.The Deputy Inspector of Land Survey,
Thoothukudi Taluk, Tuticorin District.

4.The Firka Surveyor,
Senthilampannai Village,
Keela Thattaparai,
Thoothukudi Taluk & District 628 304.

5.S.Sankara Subbulakshmi

6.B.Hari Balakrishnan

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus forbearing the respondents 1 to 4 from measuring, locating, demarcating the suit schedule property in the decree dated 05.10.2012, passed in O.S.No.303 of 2012 by the Principal District Munsif Court, Thoothukudi, or any part thereof into the suit schedule properties of O.S.No.2 of 2015 on the file of the same Court, unless the respondents 5 and 6 or anybody claiming through them, obtained specific orders in this regard, in the said O.S.No.2 of 2015 otherwise from the Civil Court.

For Petitioner	: Mr.C.Dhanaseelan
For Respondents	: Mr.S.Chandrasekar
	Government Advocate

O R D E R

Mr.S.Chandrasekar, learned Government Advocate, takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. The prayer in the Writ Petition is as follows:-

"To issue a Writ of Mandamus forbearing the respondents 1 to 4 from measuring, locating and demarcating the suit property in the decree dated 05.10.2012, passed in O.S.No.303 of 2012, by the Principal District Munsif Court, Thoothukudi, or any



part thereof into the suit schedule properties of O.S.No.2 of 2015 on the file of the said Court, unless the respondents 5 and 6 or anybody claiming through them, obtained specific orders in this regard, in the said O.S.No.2 of 2015 otherwise from the Civil Court".

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3. According to the petitioner, the respondents 5 and 6 herein had already filed a Writ Petition in W.P.[MD].No.19430 of 2014, seeking a Writ of Mandamus, directing the respondents therein to survey and demarcate the boundaries by measuring three acres of their lands in Survey No.66/1D1A situated at Senthiampannai Village, Thoothukudi District. This Court, by order dated 02.12.2014, directed the respondents therein to consider the representation of the petitioners therein and pass appropriate orders, after providing due opportunity to them and others concerned, if any, within a period of four weeks from the date of receipt of a copy of the order.

4. In the light of the above order, this Court is of the view that if at all the petitioner has got any grievance, he can submit his objections or representation before the respondents 2 to 4 herein in this regard and the authorities concerned will consider the same and pass appropriate orders.

5. In the result, the Writ Petition stands disposed of with a direction to the respondents 2 to 4 to consider the representation of the petitioner dated 07.01.2015 and pass appropriate orders, on merits and in accordance with law, after giving due notice to the parties concerned, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Thoothukudi District,
Thoothukudi.

2.The Thasildar, Thoothukudi Taluk, Thoothukudi.

3.The Deputy Inspector of Land Survey,
Thoothukudi Taluk, Tuticorin District.

4.The Firka Surveyor, Senthilampannai Village,
Keela Thattaparai, Thoothukudi Taluk & District 628 304.

+1CC to M/s.C.Dhanaseelan, Advocate in SR.2324

+1CC to the Special Government Pleader in SR.2555

W.P.(MD)No.594 of 2015

DATED - 20.01.2015

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PBK 27/01/2015 ::2P-7C: