



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.(MD) No.6181 of 2011

S.Natarajan

... Petitioner

vs.

1.The District Collector,
Pudukkottai District.

2.The Thasildhar,
Aranthangi Taluk Office,
Aranthangi,
Pudukkottai District.

3.Minnalkodi ... Respondents
(R3 impleaded vide order dated 09.03.2012 in M.P.(MD).No.1/2012)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 2nd respondent herein to survey the land in S.No.47/7 measuring an extent of 40 cents at Balakrishnapuram Village, Aranthangi Taluk, Pudukkottai District and fix boundaries of the same as claimed by the petitioner in his petition, dated 05.04.2010.

For Petitioner :Mr.Porkodi Karnan

For Respondents :Mr.M.Murugan for R1 & R2
Government Advocate
Mr.M.Karthikeya Venkatachalapathy for R3

O R D E R

The petitioner has filed this petition seeking a Writ of Mandamus directing the 2nd respondent herein to survey the land in S.No.47/7 measuring an extent of 40 cents at Balakrishnapuram Village, Aranthangi Taluk, Pudukkottai District and fix boundaries pursuant to the application, dated 05.04.2010.

2. Heard the learned counsel for the parties.

3. The learned counsel for the third respondent submitted that in respect of the very same property, the petitioner filed a civil suit for injunction. The suit was dismissed. The First Appellate Court reversed the decree and allowed the appeal.



Thereafter, the third respondent filed a second appeal before this Court in S.A.(MD).No.215 of 2012. This Court was pleased to grant an interim stay of the operation of the judgment and decree passed by the first appellate Court. The second appeal is still pending.

4. Since the Second Appeal is pending before this Court, there is no question of issuing a Mandamus to the second respondent to measure the property. It is always open to the petitioner to file appropriate application in the Second Appeal for appropriate relief, if he is so advised.

5. The Writ Petition is dismissed with the above observation. No costs.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

jikr

To

1.The District Collector,
Pudukkottai District.

2.The Thasildhar,
Aranthangi Taluk Office,
Aranthangi,
Pudukkottai District.

+1cc to M/S Special Government Pleader, Sr No. 47691

JAM/SKS-RR/20.09.16/ 2P-4C

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