



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.03.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No. 4306 of 2014

Ramakrishnan

: Petitioner

Vs.

1. The District Collector  
Pudukkottai2. The Tahsildar  
Thirumayam Taluk  
Pudukkottai District  
Pudukkottai3. The Sub-Inpsector of Police  
Namanasamuthiram Police Station  
Pudukkottai District.

4. Palaniyappan

5. Karuppaih

6. Subaiah

7. Ramaiah

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2<sup>nd</sup> respondent to measure the petitioner's property comprised in S.F.No.150.31A Punjai O.36.0 of Mallangudi Village, Thirumayam Taluk, Pudukkottai District.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.M.Alagu Thevan,  
Special Government Pleader  
for R1 to R3Mr.R.P.Ramachanthiran  
For R4 to 7

O R D E R

The petitioner had approached this Court for issuance of a Writ Mandamus directing the 2<sup>nd</sup> respondent to measure the petitioner's property comprised in S.F.No.150.31A Punjai O.36.0 of Mallangudi Village, Thirumayam Taluk, Pudukkottai District.

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2. According to the petitioner, he purchased the subject property on 25.06.2010 from one Thenappan and 3 others, by a registered sale deed, for valid consideration. The property is comprised in Survey No.150.31A Punjai 89 Cents of Mallangudi Village, Peraiyur Vaddam, Thirumayam Taluk. According to him, the neighbours of the said property viz., respondents 4 to 7 herein are trying to purchase the same property, at a very low price from the said Thenappan. Since the petitioner purchased the property, the respondents 4 to 7 attempting to create problems to the petitioner by preventing the petitioner from enjoying the peaceful possession of the property. The petitioner has also been granted patta by virtue of his purchase of the subject property. In the circumstances, the petitioner wanted to measure the property and demarcate the boundaries in order to put up fencing over the property. He had also submitted a necessary application and remitted the required payment for the said purpose.

3. When the Revenue Officials went to measure the property on 26.11.2013, it was objected by the private respondents and in view of the objection, the officials did not proceed with survey of the land. According to the petitioner, the sole motive of the private respondents, only to extract money illegally from the petitioner.

4. The learned counsel who is appearing on behalf of the respondents 4 to has filed counter affidavit. In the counter affidavit it is stated that there was already a original suit in O.S.No. 132 of 2010 was pending, on the file of the Learned District Munsif Cum Judicial Magistrate, Thirumayam in respect of the subject property in which the petitioner herein was also a party.

5. According to the counsel for the private respondents, the petitioner without disclosing the pendency of the suit has approached this Court with an uncleaned hands and prayed for dismissal of the writ petition.

6. It appears that the Civil Suit is pending as between the petitioner and the private respondents, in respect of enjoyment of the property in question. In such a view of the matter, the direction sought for in the writ petition cannot be granted till the dispute is resolved one way or the other in the Civil Suit. In these circumstances, the present Writ petition is cannot be entertained and therefore, the same is dismissed. It is always open to the petitioner to work out his remedy which is



pending before the Civil Court or any fresh proceedings before the Civil Court for enforcement of his right.

7. In the result, the Writ petition is dismissed. No costs.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector  
Pudukkottai

2. The Tahsildar  
Thirumayam Taluk  
Pudukkottai District  
Pudukkottai

3. The Sub-Inpsector of Police  
Namanasamuthiram Police Station  
Pudukkottai District.

+1CC to M/S.R.P.Ramachanthiran, Advocate, SR.No. 15917

W.P (MD) No.4306 of 2014  
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