



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 29.06.2017

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

WA(MD)No.842 of 2017
in
W.P.(MD)No.13899 of 2015
and
CMP(MD)No.5756 of 2017

R.Vinod Gandhi

... Appellant

Vs.

1. J.V.R.Amarnath

2. The Thasildar,
Madurai East Taluk,
Y.Othakadai,
Madurai District.

3. The Taluk Surveyor,
O/o.Thasildar Madurai East Taluk,
Y.Othakadai,
Madurai District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent Appeal, to set aside the order, dated 05.08.2015, made in W.P.(MD) No.13899 of 2015, on the file of this Court.

Prayer in WP(MD). 13899/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents to survey and measure and sub-divide the Petitioner s share of 31 cents of out of 4 Acres 95 cents in the property comprised in Survey No. 167/1, Patta No. 1389 in Uthankudi Village, Madurai East Taluk, Madurai District, within the time as stipulated by this Honourable Court.

For Appellant : Mr.R.Murali

For Respondents 2 & 3 : Mr.V.Muruganandham

Additional Government Pleader

**J U D G M E N T**

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.R.Murali, learned Counsel appearing for the appellant and Mr.V.Muruganantham, learned Additional Government Pleader, who accepts notice on behalf of the respondents 2 and 3.

2. Since we do not pass any adverse order against the first respondent, notice to the first respondent is dispensed with.

3. This writ appeal by a third party to the writ proceedings is directed against the order, dated 05.08.2015, made in W.P.(MD) No.13899 of 2015, which was filed by the first respondent seeking for an innocuous relief to survey and measure his property.

4. According to the appellant, the writ petition is liable to be dismissed on the ground of suppression of material facts as well as filing of the earlier writ petition, which was closed after contest.

5. The learned Counsel appearing for the appellant submitted that after the writ petition was disposed of by the impugned order, the appellant raised an objection before the Thasildar concerned. On the request of the first respondent for grant of separate Patta, the objections of the appellant were considered and an order has been passed by the Thasildar on 24.02.2017, by which, the request made by the first respondent for grant of separate Patta to an extent of 31 cents was rejected.

6. In the light of the subsequent development, the order passed in the writ petition is worked itself out and if the first respondent is aggrieved, it is open to him to question the order, dated 24.02.2017 before the appropriate forum.

7. With the above observation, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



1. The Thasildar,
Madurai East Taluk,
Y.Othakadai,
Madurai District.

2. The Taluk Surveyor,
O/o.Thasildar Madurai East Taluk,
Y.Othakadai,
Madurai District.

+ 1 CC TO Mr.R.MURALI, ADVOCATE IN SR No. 62765
+ 1 CC TO THE SPECIAL GOVERNMENT PLEADER IN SR No. 62846

SM/KRK

TE/MR-KKR/SAR-II : 21/07/2017 : 3P/5C

WA(MD)No.842 of 2017 in
W.P.(MD)No.13899 of 2015 and
CMP(MD)No.5756 of 2017
29.06.2017