



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 07.09.2017

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) .No.10328 of 2016 and
CONT P (MD) No.760 of 2016 and
W.M.P (MD) Nos.8078, 9515 and 11296 of 2016

W.P. (MD) .No.10328 of 2016

T.Arul

... Petitioner

Vs.

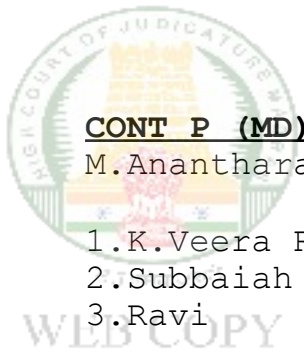
1. The Commissioner,
Usilampatty Municipality,
Usilampatty, Madurai District.
2. The District Collector,
Madurai District, Madurai.
3. The Thasildhar, Usilampatty Taluk,
Usilampatty, Madurai District.
4. The Assistant Director,
Land Survey and Records Department,
Madurai - 20.
5. The Special Tahsildhar,
Usilampatty (Town Survey),
Madurai District.

6. M.Anandharaj

... Respondents

PRAYER in W.P. (MD) .No.10328 of 2016 :Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of Mandamus, directing the respondents 1 to 6 to conduct an enquiry by providing an opportunity to the petitioner and the survey of the lands bearing Old Survey No.309/4 and new Survey No.664/4 and Town Survey No.71 and 69/2 before demolishing any portion of the house bearing Door No.4/11, Gurunathan Kovil Street, Karukkattanpatty, Usilampatty Municipality and assessed for property tax under Assessment No.9278.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R1	: Mr.K.Mahendran
For R2 to R5	: Mr.M.Govindan
	Special Government Pleader
For R6	: Mr.M.Veilkani Raju

**CONT P (MD) No.760 of 2016**

M.Anantharaj

... Petitioner

Vs.

1.K.Veera Ragava Rao

2.Subbaiah

3.Ravi

... Contemnors

PRAYER in CONT P (MD) No.760 of 2016: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondents herein for their deliberate and willful disobedience of the order passed by this Court in W.P.(MD) No.12998 of 2015 dated 27.07.2015.

Prayer in WP(MD). 12998/ 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 1 to 3 to remove the encroachments made in 9th Ward, Karukkattanpatti Road, chidampaam Poosari Street, Block - 4, Street No. 65, Block - 6, Street No. 109, Usilampatti, Madurai District, forthwith based on the proceedings of the 2nd Respondent in Na.Ka. No. 661/2015/C1, dated 03.06.2015 and proceedings of the 3rd Respondent in Na.Ka. No. 6524/2015/Aa4, dated 16.06.2015 and the representation of the Petitioner dated 07.05.2015.

For Petitioner	:	Mr.M.Veilkani Raju
For Contrs.1 and 2	:	Mr.M.Govindan
		Special Government Pleader
For Contr 3	:	Mr.K.Mahadevan

COMMON ORDER**[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]**

The writ petitioner in W.P.(MD).No.10328 of 2016 seeks a fresh Survey of the lands bearing bearing Old Survey No.309/4 and new Survey No.664/4 and Town Survey No.71 and 69/2 at Gurunathan Kovil Street, Karukkattanpatty, Usilampatty Municipality.

2.He also wants an enquiry to be conducted by providing an opportunity to him before demolishing any portion of the house bearing Door No.4/11, Gurunathan Kovil Street, Karukkattanpatty, Usilampatty Municipality.

3.It is submitted by both sides that the petitioner in W.P. (MD).No.10328 of 2016 has already filed a comprehensive suit in O.S.No.74 of 2016 on the file of the District Minsif Court, Usilampatti. The petitioner has sought certain declaratory reliefs in the said suit. Subject matter of the present writ proceedings as well as the said suit proceedings are one and same. The issue raised before us necessarily involves a factual adjudication and pertains to survey of land in question. Therefore, in the interest of justice, the parties can very well be relegated to avail the



remedies before the Civil Court. Since, the petitioner has already filed a civil suit, we direct the District Munsif cum Judicial Magistrate Court, Usilampatti to dispose of O.S.No.74/16 within the period of six months from the date of receipt of a copy of this order.

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4.The Commissioner of Usilampatti Municipality as well as the Revenue and Survey Authorities are the defendants in the said suit. The parties can very well abide by the outcome of the said suit. With these observations and direction this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

5.In view of the order made in W.P.(MD) No.10328 of 2016, CONT.P (MD) No.760 of 2016 stands dismissed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Usilampatty Municipality,
Usilampatty, Madurai District.
2. The District Collector,
Madurai District, Madurai.
3. The Thasildhar,
Usilampatty Taluk,
Usilampatty, Madurai District.
4. The Assistant Director,
Land Survey and Records Department,
Madurai - 20.
5. The Special Tahsildhar,
Usilampatty (Town Survey),
Madurai District.

+ 2 CC TO Mr.M.VEIL KANIRAJU, ADVOCATE IN SR Nos. 77361, 77362
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 77838
+ 1 CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE IN SR No. 77442

MM/VSG

TE/SV-MMS/SAR-IV : 26/10/2017 : 3P/10C

W.P.(MD).No.10328 of 2016 and
CONT P (MD) No.760 of 2016 and
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