



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2017

WEB COPY

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P(MD)No.44 of 2017

A.Paulraj

...Petitioner

vs.

1.The Tahsildar,
Vadipatti Tauk,
Vadipatti, Madurai District.
2.The Taluk Surveyor
Vadipatti Tauk,
Vadipatti, Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus to direct the Respondents to measure the property in Survey No.42/1, 42/2B, 42/3, 43/1, 43/2, 47/2 and 49 in Pommanpatti Village, Vadipatti Taluk as per the report given by the 2nd Respondent dated 17.03.2016.

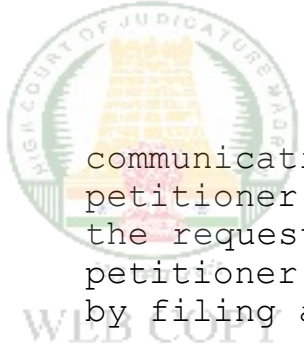
For Petitioner : Mr. K.C.Ramalingam
For Respondents : Mr. C.Selvaraj
Special Government Pleader

O R D E R

The petitioner seeks for a direction to the respondents to measure the property in Survey Nos.42/1, 42/2B, 42/3, 43/1, 43/2, 47/2 and 49 in Pommanpatti Village, Vadipatti Taluk as per the report given by the 2nd Respondent dated 17.03.2016.

2. Heard both sides.

3.It is seen that the very same petitioner approached this Court earlier and filed W.P.(MD) No.23314 of 2015 seeking for very same relief wherein an order came to be passed on 17.01.2016 directing the petitioner to approach the Tahsildar, Vadipatti, who in turn, was further directed to conduct survey and pass appropriate orders. It is seen that in pursuant to the above said order, notice was ordered to the petitioner and thereafter survey was not conducted by stating that the village people have objected to the survey of the petitioner's land and to that effect a



communication is also sent by the Tahsildar, Vadipatti to the petitioner on 23.02.2016. If any objection is made with regard to the request of the petitioner for survey of the land, it is for the petitioner to establish his right before the competent civil court by filing appropriate suit.

4. The learned counsel for the petitioner submitted that a civil suit is pending before the civil court. Such being the factual aspect of the matter, I do not think that the present writ petition can be entertained. Accordingly, this writ petition is disposed of. However, giving liberty to the petitioner to agitate his right before the competent civil court. No costs.

Sd/-

Assistant Registrar (Cr1.side)

/True Copy/

Sub Assistant Registrar

To,

- 1.The Tahsildar, Vadipatti Tauk,
Vadipatti, Madurai District.
- 2.The Taluk Surveyor, Vadipatti Tauk,
Vadipatti, Madurai District.

+1 cc to THIRU K.C.Ramalingam, Advocate SR.No.518

+1 cc to Special Government Pleader SR.No.501

W.P(MD)No.44 of 2017
04.01.2017

SMA/SV/25.01.2017:2P/5C