

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 23.10.2017**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.928 of 2011****and****M.P(MD)No.1 of 2011**

Athimuthu Manoharan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Taluk Office,
Thoothukudi Taluk,
Thoothukudi.

3.The Deputy Inspector of Survey,
Taluk Office,
Thoothukudi Taluk,
Thoothukudi.

4.The Firka Surveyor,
Pudukottai,
Thoothukudi Taluk,
Thoothukudi.

5.M.K.Gandhimathinathan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 2 to 4 from interfering into the civil dispute in O.S.No.144 of 2007 on the file of the Additional District Munsif, Thoothukudi relating to the property measuring and subdividing 84 cents in Survey No.32/5B1A1 of Korampallam Village, Thoothukudi District and fixing boundaries of the said 84 cents except under authority from the civil Court.

For Petitioner	: Mr.Dhanaseelan
For R.1 to R.4	: Mr.J.Gunaseelan Muthiah, Government Advocate
For R.5	: No Appearance

**ORDER**

This writ petition has been filed seeking a Writ of Mandamus forbearing the respondents 2 to 4 from interfering into the civil dispute in O.S.No.144 of 2007 on the file of the Additional District Munsif, Thoothukudi relating to the property in issue.

2. Heard the learned Counsel appearing on either side.

3. According to the petitioner, he is the owner of the subject mentioned property and because of disputes between him and some third parties, a suit came to be filed in O.S.No.144 of 2007, wherein, an order of exparte injunction was granted in favour of the fifth respondent herein. While so, the official respondents, instead of keeping the matter pending until the disposal of the said suit, had started to act in favour of the fifth respondent and aggrieved by the same, the petitioner had submitted several objections. As the same is kept pending, without any action, the petitioner is before this Court.

4. The learned Government Advocate appearing for the respondents 1 to 4 submitted that necessary orders would be passed by the authorities, on production of all relevant documents by the petitioner, on merits.

5. Considering the facts and circumstances of the case and also the submission of the learned Government Advocate, this Court, without going into the merits, directs the petitioner to approach the respondents 1 to 4 with all relevant documents along with the copy of this order within a period of two weeks from the date of receipt of a copy of this order and the respondents 1 to 4 are directed to pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the fifth respondent, within a period of four weeks, thereafter.

6. The writ petition is disposed of as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Thoothukudi District,
Thoothukudi.



2.The Tahsildar,
Taluk Office,
Thoothukudi Taluk,
Thoothukudi.

3.The Deputy Inspector of Survey,
Taluk Office,
Thoothukudi Taluk,
Thoothukudi.

4.The Firka Surveyor,
Pudukottai,
Thoothukudi Taluk,
Thoothukudi.

+1cc to Mr.C.DHANASEELAN Advocate in SR. No. 83432

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 83444
rm

JS/SV.MMS/SAR.1/14.11.2017/3P-7C

W.P (MD) No.928 of 2011
23.10.2017