

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.08.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19467 of 2017
and
W.M.P.No.20989 of 2017

Mrs.KusumSethiya

..Petitioner

vs

- 1.The Commissioner of Survey,
Survey House,
No.1, Ezhilagam,
Kamarajar Salai,
Chepauk, Chennai - 600 005.
- 2.The Inspector of Survey and Land Records,
Survey House,
Chepauk, Chennai - 600 005.
- 3.The Director of Survey and Land Records,
Survey House,
Chepauk, Chennai - 600 005.
- 4.The District Collector,
Thiruvallur District,
Thiruvallur.
- 5.The Tahsildhar,
Madhavaram Taluk,
Madhavaram, Chennai.
- 6.The Special Tahsildhar,
(Urban Land Settlement Scheme),
Madhavaram Taluk,
Madhavaram, Chennai.
- 7.M.Vijayalakshmi

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, forbearing the 5th and 6th respondents from effecting the survey, demarcation, mutation and settlement of the land of the petitioner having an extent of Acre 1.66 cents comprised in

Survey No.1270/1 as per patta Survey No.1270/2A, 9, 10, 11, 12, 13 and S.No.1271/2AB and land measuring an extent of 77 cents comprised in survey No.1270/2 as per patta survey No.1270/1A, T.S.No.35, Block No.55 of Madhavaram Village and Taluk, Thiruvllur District and to proceed in terms of the outcome of the suit in C.S.No.34 of 2017.

For Petitioner : Mr.B.Elayaraja
For Respondents : M/s.A.Srijayanthi,
Spl GP for R1 to R6

M/s.R.Sripriya
for M/s.V.Raghavachari for R7

O R D E R

The relief sought for in this writ petition is to forbear the respondents 5 and 6 from effecting the survey, demarcation, mutation and settlement of the land of the petitioner having an extent of Acre 1.66 cents comprised in Survey No.1270/1 as per patta Survey No.1270/2A, 9, 10, 11, 12, 13 and S.No.1271/2AB and land measuring an extent of 77 cents comprised in survey No.1270/2 as per patta survey No.1270/1A, T.S.No.35, Block No.55 of Madhavaram Village and Taluk, Thiruvllur District and to proceed in terms of the outcome of the suit in C.S.No.34 of 2017.

2.The learned counsel appearing on behalf of the writ petitioner states that the respondents 5 and 6 are taking steps to measure the land belongs to the writ petitioner during the pendency of the Civil Suit in C.S.No.34 of 2017.

3.This Court is of an opinion that whenever a Civil dispute is in existence between the parties and the suit is pending, all such related remedies shall be claimed before the appropriate Court in the pending suit. This Court cannot adjudicate such complex facts and circumstances during the pendency of the Civil Suit as stated above. Thus, the writ petitioner is at liberty to approach the competent Civil Court by way of an application for redressing her grievances.

4.In this view of the matter, no further adjudication needs to be entertained in respect of the relief as such sought for in this writ petition.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Survey,
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Chepauk, Chennai - 600 005.
3. The Director of Survey and Land Records,
Survey House,
Chepauk, Chennai - 600 005.
4. The District Collector,
Thiruvallur District,
Thiruvallur.
5. The Tahsildhar,
Madhavaram Taluk,
Madhavaram, Chennai.
6. The Special Tahsildhar,
(Urban Land Settlement Scheme),
Madhavaram Taluk,
Madhavaram, Chennai.

+1cc to Mr.V.Raghavachari, Advocate Sr.57846
+1cc to the Government Pleader Sr.57879
+2cc to Mr.G.Lavanya, Advocate Sr.57799

W.P.No.19467 of 2017

srg 29/08/2018