



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A[MD].No.479 of 2018
in
W.P. (MD)No.21965 of 2017

Boomiraja : Appellant

Vs.

1.The Tahsildar,
Peraiyur Taluk, Peraiyur,
Madurai District.

2.The Frika Surveyor,
Peraiyur Taluk, Peraiyur,
Madurai District.

3.The Sub Inspector (Survey Department),
Peraiyur Taluk, Peraiyur,
Madurai District. : Respondents 1 to 3/Respondents 1 to 3

4.K.Perumal : 4th Respondent/Writ Petitioner.

PRAYER: Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order of the learned Judge of this Court, dated 29.11.2017 in W.P.(MD)No.21965 of 2017.

Prayer in WP(MD). 21965/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to survey and demark petitioners land in an extent of 0.02.5 and 6 cents in Survey Number 1107/7 A1 and extent of 0.47.5 in survey No.107 / 7A2 in Poosalapuram Village, Peraiyur Taluk, Madurai District as per application No.2017 / 0105/24/ 028411 of the 3rd respondent herein and issue a separate patta by considering the petitioners representation dated 14.11.2017 in accordance with law.

For Appellant : Mr.P.Senguttuarasan
For R1 to R3 : Mr.D.Muruganantham
Additional Government Pleader

For R4 : Mr.T.Pon Ramkumar

JUDGEMENT

[Judgement of the Court was delivered by K.RAVICHANDRABAABU, J]

This writ appeal is filed by the appellant, who was not a party/respondent in the writ petition.

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2.The fourth respondent herein filed the writ petition seeking for a Mandamus directing the revenue officials to survey and demark the land at Survey Nos.107/7A1 and 107/7A2 of Poosalapuram Village, Peraiyur Taluk, Madurai District, based on his application and representation, dated 14.11.2017.

3.The learned Single Judge, disposed of the writ petition by directing the respondents therein to consider the representation of the writ petitioner, dated 14.11.2017 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the interested parties, if any.

4.Now, the present writ appeal is filed by the appellant, after obtaining leave from this Court by contending that the writ petitioner has filed the above writ petition by suppressing the facts with regard to the proceedings issued by the Revenue Divisional Officer, dated 23.05.2016, wherein, both the parties were called upon to work out their remedy before the Civil Court, while considering the request for grant of patta. Therefore, it is contended before this Court that the fourth respondent herein is not entitled to seek for survey of the land in total suppression of the above said proceedings issued by the Revenue Divisional Officer.

5.We have heard the learned counsel appearing for the petitioner; the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

6.The learned counsel for the appellant submitted that though the appellant raised objections before the Tahsildar, he has not taken into consideration of all those things and however, proceeded to dispose of the representation of the fourth respondent herein, as directed by this Court.

7.The learned Additional Government Pleader who takes notice for the respondents 1 to 3, based on instructions submitted that already the order passed by this Court in the above writ petition has been worked out, as the Tahsildar has conducted the survey and also issued separate patta through his proceedings, dated 09.02.2018.

8.Considering the above said facts and circumstances and more particularly, the fact that the order passed by the learned Single Judge has already been worked out by the parties to the writ petitions resulting an order passed by the Tahsildar as discussed

supra, we are of the view that the appellant has to challenge the said order by way of separate proceedings. Thus, this writ appeal is disposed of by granting liberty to the appellant to challenge the said order passed by the Tahsildar, dated 09.02.2018, in the manner known to law before the appropriate Forum. The appellant is at liberty to raise all the contentions raised in this writ appeal while challenging the above said order of the Tahsildar. No costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The Tahsildar,
Peraiyur Taluk, Peraiyur,
Madurai District.

2.The Frika Surveyor,
Peraiyur Taluk, Peraiyur,
Madurai District.

3.The Sub Inspector (Survey Department),
Peraiyur Taluk, Peraiyur,
Madurai District.

+1CC to Mr.P.Senguttuarasan, Advocate, SR.No. 59621

+1CC to Mr.T.Pon Ramkumar, Advocate, SR.No. 59122

+1CC to the Special Government Pleader SR.No.59439

W.A[MD].No.479 of 2018

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02.04.2018

rj2

AM/SV MMS/SAR 4/06.04.2018/3P/7C