



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A (MD) No.1490 of 2018

and

C.M.P (MD) No.10649 of 2018

Chockalingam ... Appellant/3rd Party

Vs.

1.C.Murugan ... 1st Respondent/Writ Petitioner

2.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

3.The Head Surveyor,
Thirupparankundram Taluk,
Madurai District. ... Respondents 2 & 3/Respondents 1 & 2

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 27.02.2018 made in W.P(MD)No.4010 of 2018, on the file of this Court.

Prayer in WP(MD). 4010/ 2018 :

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 fix the boundaries of the petitioners land in old survey No.687/1A2, New Survey No.307/1A2A of Koothiyargundu Village, Nilaiyur 1st pit, Thirupparamkundram Taluk, Madurai District.

For Appellant : Mr.T.Pon Ramkumar

For Respondents : Mrs.J.Padmaavathi Devi,
Special Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)

This Writ Appeal is preferred by the appellant/third party challenging the direction given by the learned Single Judge, dated 27.02.2018 passed in W.P(MD)No.4010 of 2018, directing the first respondent therein to measure the property in question as per the revenue records within a period of six weeks, after issuing notice



not only to the writ petitioner, but also to the interested parties.

2. Heard the learned counsel for the appellant and the learned Special Government Pleader, who takes notice for the respondents 2 and 3.

3. It is the case of the appellant/third party that the first respondent/writ petitioner had suppressed the material fact that a partition suit in O.S.No.131 of 2016 on the file of the District Munsif Court, Tirumangalam is pending.

4. Be that as it may, even in the suit, it would be necessary for the appointment of the Commissioner to measure the property with the help of the Surveyor. It is now, the said act has been directed to be done. The appellant cannot be aggrieved, because the impugned order specifically directs the first respondent therein to issue notice to all the interested parties.

5. In view of the above, the respondents 2 and 3 are directed to issue notice to the appellant/third party before measuring the properties and after hearing his objections, proceed with the matter in accordance with law. However, the said exercise has to be completed within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(Crl Side)

/True copy/

Sub Assistant Registrar(CS-I)

To

1.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

2.The Head Surveyor,
Thirupparankundram Taluk,
Madurai District.

+1cc to Mr.T.PON RAMKUMAR, Advocate, SR.No. 92792

W.A(MD)No.1490 of 2018
30.10.2018

PS

KK/RP/SAR-1/29.11.2018/2P-4C

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