



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.5699 of 2019

A.Kalaiselvam

... Petitioner

Vs

1. The Tahsildhar,
Andipattai Taluk,
Andipatti,
Theni District.
2. The Taluk Surveyor,
Andipattai Taluk,
Andipatti, Theni District.
3. The Inspector of Police,
Andipatti Police Station,
Andipatti, Theni District.

4.K.Marimuthu

5.M.Velmurugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to survey and sub-divide the land belong to the petitioner in S.Nos.465/1, 2, 3, 4, 6, 455/3, 467 situated at Timmaranayakkanur Bit-I, Andipatti Taluk, Theni District with adequate police protection and consequently direct the respondent No.1 to provide the separate patta to the petitioner in respect of S.Nos.465/1, 2, 3, 4, 6, 455/3, 467 within the stipulated time prescribed by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Murugan

Government Advocate for R1 to R3

ORDER

respondents and the fifth respondent, who is present in person before this Court.

2. The petitioner seeks survey and sub-division of the petition mentioned lands. It appears that there is civil dispute pending between the parties. The fourth respondent herein filed O.S.No.165 of 2017, on the file of the District Munsif Court, Andipatti, seeking the relief of declaration and permanent injunction. In the said plaint, S.No.455/3 has been mentioned. The writ petitioner herein is shown as first defendant in the said suit. That apart, the contesting respondents have given a petition before the revenue authority and in the said petition, the petition mentioned survey numbers have been referred to. Therefore in view of the dispute pending between the parties, the relief sought for in this writ petition cannot be granted. The writ petitioner will have to have his rights adjudicated in the Civil Court and only thereafter seek survey and sub division of the petition mentioned lands. It is made clear that this Court has not gone into the merits of the matter. The respective rights of the parties are left open. This Court dismisses the writ petition only in view of the raising of the civil dispute by the fourth and fifth respondents. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To:

1. The Tahsildhar,
Andipattai Taluk,
Andipatti, Theni District.
2. The Taluk Surveyor,
Andipattai Taluk,
Andipatti, Theni District.
3. The Inspector of Police,
Andipatti Police Station,
Andipatti, Theni District.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-61591[F] dated 22/04/2019)

W.P. (MD) No.5699 of 2019

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