



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.1526 of 2018

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Alagarsamy

: Petitioner

Versus

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

2.The Head Surveyor,
Taluk Office,
Peraiyur Taluk,
Madurai District.

3.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

4.Sanjai Gandhi

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to survey and fix the boundary stones of petitioner's land in Survey No.235/3 with plot Nos.29, 30 and 5 situated at P.Thottiyapatti Village, Chinnapoolampatti Group Sub Division, Peraiyur Taluk, Madurai District, within a time frame stipulated by this Court and consequently, direct the third respondent to give police protection at the time of measuring the land by considering the petitioner's representation dated 08.12.2017.

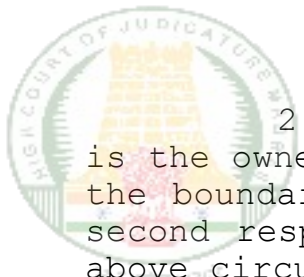
For Petitioner : Mr.S.Muniyandi

For Respondents 1 to 3 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

For Respondent No.4 : Mr.T.Vadivelan

O R D E R

This Writ Petition has been filed seeking a direction to the first and second respondents to survey and fix the boundary stones of the petitioner's land in Survey No.235/3 with plot Nos.29, 30 and 5 situated at P.Thottiyapatti Village, Chinnapoolampatti Group Sub Division, Peraiyur Taluk, Madurai District, and also seeking a direction to the third respondent to give adequate police protection at the time of measuring the land.



2. The grievance of the petitioner is that, the petitioner is the owner of the above said land. Now, he wants to survey and fix the boundary stone. Hence, he made an application to the first and second respondents and that application was not considered. In the above circumstances, the present Writ Petition has been filed.

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3. Today, when the Writ Petition came up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, submitted that already, there is a civil dispute between the petitioner and the fourth respondent. The petitioner also filed a civil suit against the fourth respondent and the same is still pending. Since the civil suit is pending, the first and second respondents are not in a position to survey the property.

4. As there is a civil dispute pending between the parties, unless and until the petitioner has got a decree in his favour, he cannot seek for measurement of the property on the ground that he is the owner. In the above circumstances, the prayer sought for by the petitioner cannot be granted at this stage. Hence, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Head Surveyor,
Taluk Office,
Peraiyur Taluk,
Madurai District.

3.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

+1 CC to Mr.S.MUNIYANDI, Advocate (SR-81056[F] dated 09/08/2019)

+1 CC to Mr.T.VADIVELAN, Advocate (SR-81739[F] dated 14/08/2019)

Order made in

W.P. (MD) No.1526 of 2018

Dated: 09.08.2019