



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**

AND

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

Writ Appeal(MD)No.1634 of 2018

A.Pootharaj

.. Appellant/Petitioner

Vs.

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

2.The Firka Surveyor,
Madurai East Taluk,
Madurai District.

3.K.Muthusamy

..Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order passed in W.P(MD)No.18911 of 2018 dated 22.10.2018.

Prayer in WP(MD). 18911/ 2018 :

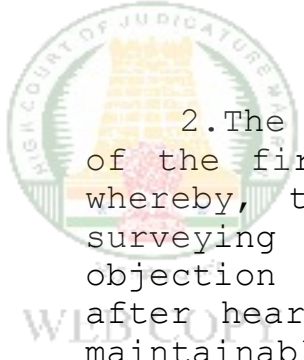
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus calling for the records on the file of the 1st respondent in his proceedings in Athumaal Manu No.78 / 2018 / S dated 20/07/2018 and quash the same and consequently directing the respondents to survey and fix the four boundaries of petitioners property in Survey No.138 /11C2 at kodikulam 1st Bit, Y.Othakkadai Village, Madurai East Taluk, Madurai District total extent of 1459 sq.ft.

For Appellant : Mr.D.Selvanayagam
For Respondents : Mr.N.Shanmugaselvam
Addl. Govt. Pleader (for R1 and R2)
Mr.M.S.Jeyakarthick (for R3)

JUDGMENT

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

This writ appeal is directed against the order passed by the Writ Court in dismissing the writ petition filed by the writ petitioner.



2.The said writ petition was filed challenging the proceedings of the first respondent/Tahsildar, dated 20.07.2018, wherein and whereby, the writ petitioner was informed that his request for surveying the property cannot be considered, since there is an objection raised by the third respondent herein. The Writ Court, after hearing both parties, found that the writ petition is not maintainable, as it is for the parties, to agitate the matter before the Civil Court.

3.When the writ appeal is taken up for hearing today, the learned Additional Government Pleader submitted that though the impugned order was passed on 20.07.2018, subsequently, the survey was conducted on 18.09.2018 in Na.Ka.S.2991/2018 and therefore, that the relief sought for by the writ petitioner in the writ petition has already been considered and granted.

4.If that be the case, it is for the first respondent/Tahsildar to send the survey report to writ the petitioner within seven days. On receipt of such report, if the writ petitioner is aggrieved against the same, it is for him to work out his remedy in a manner known to law.

5.Granted such liberty, this writ appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Firka Surveyor,
Madurai East Taluk,
Madurai District.

+1 CC to SPL GP SR-77746.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate SR-77600.

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