



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM:

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THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.13750 of 2015
and M.P.(MD).No.1 of 2015

Pethu Raj

.. Petitioner

Vs.

1.The Tahsildar,
Vilathikulam Taluk,
Vilathikulam,
Tuticorin District.

2.The Firka Surveyor,
Kulathur Sub Division,
Vilathikulam Taluk,
Tuticorin District.

3.Subramaniyan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the respondents 1 and 2 from conducting any survey in respect of property comprised in S.No.19/16 East Kulathur Village, Vilathikulam Taluk, Tuticorin District.

For Petitioner : Mr.R.Murali

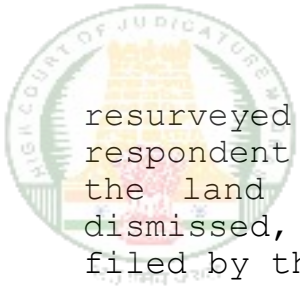
For Respondents : Mr.A.K.Baskara Pandian for R1 and R2
Special Government Pleader

Mr.G.Prabhu Rajendran for R3

ORDER

This writ petition has been filed for issuing a writ of mandamus forbearing the respondents 1 and 2 from conducting any survey in respect of property comprised in S.No.19/16 East Kulathur Village, Vilathikulam Taluk, Tuticorin District.

2.The petitioner claims ownership over the extent of 15 cents of land originally in S.Nos.19/16 East Kulathur Village, Vilathikulam Taluk, Tuticorin District. It is now stated that the said property which was earlier surveyed as S.No.19/18 has now been



resurveyed as 19/16. The petitioner himself admits that the third respondent herein earlier filed a suit as against the purchasers of the land from the petitioner. Though the suit was originally dismissed, it is admitted that the said suit was decreed on appeal filed by the third respondent.

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3.It is also stated that a further appeal before this Court in Second appeal is pending at the instance of some of the purchasers from the petitioner. Since the petitioner himself admits that in the civil suit, the third respondent has succeeded in the first appeal and the outcome of the second appeal is not known. This Court is not inclined to entertain the writ petition. It is to be seen that the petitioner is not a party to the suit. The petitioner himself has admitted that he has conveyed his right in favour of third parties and that the third parties have now filed second appeal before this Court. Assuming that such third parties, who have derived title from the petitioners have filed the second appeal, the petitioner who is not a party to the second appeal and submit that he retains some more land in the same survey number cannot seek parallel remedy. It is open to the petitioner to establish his right by filing a separate suit in case, he expects any interference from the third respondent.

4.Accordingly, this writ petition is dismissed as devoid of any merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

1.The Tahsildar,
Vilathikulam Taluk, Vilathikulam,
Tuticorin District.

2.The Firka Surveyor,
Kulathur Sub Division, Vilathikulam Taluk,
Tuticorin District.

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-103516[F] dated 05/12/2019
+1 CC to M/s.SPL GP (SR-103563[F] dated 05/12/2019)
+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-103608[F] dated
05/12/2019)

W.P. (MD).No.13750 of 2015

04.12.2019