



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.11.2019
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1249 of 2019

S.Sasikumar ... Appellant

Vs.

1.The Tahsildar
Thiruchuli Taluk,
Thiruchuli
Virudhunagar District.

2.The Taluk Surveyor,
Thiruchuli Taluk,
Thiruchuli
Virudhunagar District.

3.The Village Administrative Officer,
Pillaiyarkulam Group,
Thiruchuli Taluk,
Virudhunagar District.

4.The Inspector of Police,
Narikudi Police Station,
Narikudi,
Virudhunagar District.

5.The Sub-Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.21881 of 2019 dated 17.06.2019.

Prayer in WP(MD). 21881/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent to survey and fixing boundaries of the petitioners lands situated at Village of Sorankulam (Avarnkulam), Pillaiyarkulam Group, Thiruchuli Tk, Virudhunagar District bearing Survey Nos. 99/10, 11, 12, 222/15, 220/7, 8, 221/10, 13, 14, 224/10, 9, 226/1,



11,12,14,2,8,9, 238/3, 4, 1A, 1B, 5A, 6A, 7B, 8B, 161/3, 167/3, 231/10, 12, 233/4, 237/11, 7,8 (Totally 37 Survey Numbers) and its Patta Nos. 276, 1081.

For Appellants : Mr.R.Murugappan

For Respondents : Mr.A.Muthukaruppan
Addl.Govt.Pleader

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JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.R.Murugappan, learned counsel for the appellant and Mr.A.Muthukaruppan, learned Additional Government Pleader, accepts notice for the respondents.

2. This appeal is directed against the order and direction issued in W.P.(MD)No.21881 of 2019, dated 17.06.2019, by the learned Single Bench.

3. The prayer sought for in the writ petition was for an innocuous relief to survey and fix boundaries of a vast extend of land comprising 37 survey numbers.

4. When the writ petition was heard, the learned Additional Government Pleader for the respondents had informed the Court about the dispute between the appellant and one Kumaresan. Appellant had given a complaint before the 5th respondent and he himself subsequently not pressed the complaint and stated that the matter relating to the property can be agitated before the civil Court. Furthermore, we have seen the various complaints lodged by the appellant, which clearly shows that there is a civil dispute.

5. According to the learned counsel for the appellant, there is absolutely no dispute pertaining to the right of the appellant over the property in question. If that is so, we fail to understand as to why the appellant, who is the close relative, and Kumaresan were not impleaded, as party in the writ petition, more so, when a criminal complaint was lodged against those persons. Thus, we are of the view that the present attempt of the appellant is to obtain some orders from this Court, compel the revenue authorities to measure the properties and to take advantage of those proceedings so as to strengthen his case that he is the absolute owner of the property in question.

6. In the light of the above factual situation, the learned Writ Court was perfectly right in refusing to grant the relief sought for. We find no grounds to interfere with the orders passed



in the writ petition. Accordingly, the Writ Appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

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// True Copy //

Sub Assistant Registrar (CS)

MPK

To

- 1.The Tahsildar
Thiruchuli Taluk,
Thiruchuli
Virudhunagar District.
- 2.The Taluk Surveyor,
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Thiruchuli
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Narikudi,
Virudhunagar District.
- 5.The Sub-Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-99996[F] dated 20/11/2019)

W.A. (MD)No.1249 of 2019

19.11.2019

JMN(05.12.2019) 3P : 7C