



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.8658 of 2020

K.V.Ramasamy

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni - Madurai Highway
Karuvel, Bommi Nayakan Patti,
Theni-625 531.

2.The Tahsildar,
Aandipatti Taluk,
Theni District.

3.The Superintendent of Police,
Theni District,
Theni-625 531.

4.The District Surveyor,
Theni District,
Theni-625 531

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 06.12.2019 and 22.06.2020 and to conduct land survey in the schedule of properties as contained in the patta No.3237, dated 25.07.2019.

For Petitioner	:	Mr.Sanjay Vignesh
For Respondents	:	Mr.C.Ramesh Special Government Pleader

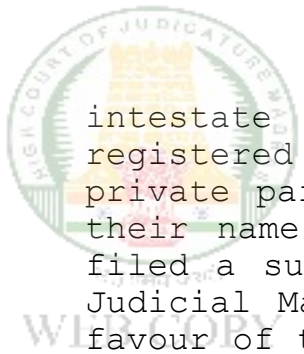
O R D E R

This writ petition is filed to direct the respondents 1 to 4 to consider the petitioner's representation dated 06.12.2019 and 22.06.2020 and to conduct land survey in the schedule of properties, as contained in the patta No.3237, dated 25.07.2019.

2.Heard Mr.Sanjay Vignesh, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents.

3.According to the petitioner, he is a senior citizen and he along with his younger brother jointly enjoying the properties

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intestate by succeeding them from their ancestors through a registered partition deed. The said land was encroached by certain private parties by creating forged documents and obtained patta in their name. Against which, the petitioner and his younger brother filed a suit in O.S.No.181 of 2012 before the District Munsif cum Judicial Magistrate, Bodinayakkanoor. The said suit was decreed in favour of the petitioner. Pursuant to the order of the lower Court, the second respondent cancelled the patta issued in favour of the private parties and issued patta in favour of the petitioner. Thereafter, the petitioner sent a representation to the respondents to conduct and survey the schedule properties. Since no action has been taken, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner submitted that the petitioner made a representation along with requisite fee receipt for conducting land survey for laying boundary stones in the petition mentioned property and so far no action has been taken. Therefore, he prays the aforesaid relief in the present writ petition.

5.The learned counsel appearing for the aggrieved parties submitted that against the order passed by the District Munsif cum Judicial Magistrate, Bodinayakkanoor in O.S.No.181 of 2012, they have filed an appeal suit in A.S.No.4 of 2019 before the Sub-Court, Periyakulam and the same is pending.

6.This Court is of the view that, in view of the aforesaid appeal suit is pending among the petitioner and the aggrieved persons, the prayer sought for by the petitioner in the writ petition cannot be granted, at this stage.

7.With the above observation, this writ petition stands disposed of with liberty to the petitioner to approach the concerned Court for disposal of the appeal suit pending before the Sub-Court, Periyakulam. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the concerned parties.

<https://hccs.courts.gov.in/tcsign.asp>



To

1.The District Collector,
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2.The Tahsildar,
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3.The Superintendent of Police,
Theni District,
Theni-625 531.

4.The District Surveyor,
Theni District,
Theni-625 531

Copy To:- The Subordinate Judge, Periyakulam.

+1 CC to M/s.GP (SR-15832[F] dated 03/09/2020)

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02.09.2020

AP(14/09/2020) 3P 7C