



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.09.2020

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

W.P. (MD) No.10577 of 2020

and

W.M.P. (MD) No.9335 of 2020

L.Arumugam

...Petitioner

Vs

1.The Revenue Divisional Officer,
Paramakudi Division, Paramakudi,
Ramanathapuram District.

2.The Thasildhar,
Mudukulathur Taluk Office,
Mudukulathur,
Ramanathapuram District.

3.The Taluk Deputy Inspector of Survey,
Mudukulathur Taluk Office,
Mudukulathur,
Ramanathapuram District.

4.R.Veerapathiran

...Respondents

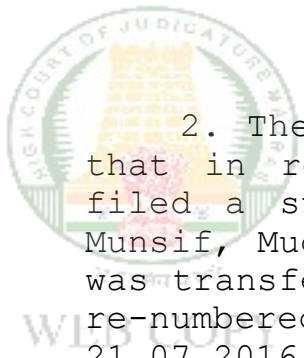
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the third respondent from holding survey on the property bearing survey No.292/2 at Enathi Village, Mudukulathur Taluk and Ramanathapuram District, till the title dispute is resolved.

For Petitioner : Mr.R.Venkateswaran

For R1 to R3 : Mr.C.Ramesh,
Special Government Pleader

ORDER

This Writ Petition is filed seeking for a direction, to forbear the third respondent from holding survey on the property bearing survey No.292/2 at Enathi Village, Mudukulathur Taluk and Ramanathapuram District, till the title dispute is resolved.



2. The learned counsel appearing for the petitioner submitted that in respect of petition mentioned property, the petitioner filed a suit in O.S.No.19 of 2020 before the learned District Munsif, Mudukulathur seeking for permanent injunction and the same was transferred to the learned District Munsif, Paramakudi, it was re-numbered as O.S.No.13 of 2015. The said suit was dismissed on 21.07.2016. Challenging the same, the petitioner filed an appeal in A.S.No.46 of 2016 before the Sub Court, Paramakudi and the same was also dismissed on 12.02.2019. However, the finding of the appellate Court is clearly held that the property in question is being under the possession of the plaintiffs (petitioner herein) stands proved, but, however dismissed the appeal on the ground that the declaration of title relief was not sought for. Challenging the same, the petitioner herein filed second appeal before this Court and the same is in un-numbered stage. At this stage, the fourth respondent herein made an application before the authority to measure the property and fix the boundaries. The grievance of the petitioner is that he has preferred second appeal and the same is in un-numbered stage. Therefore, if the surveyor has measured the property, ultimately it will affect the right of the petitioner.

3.The learned Special Government Pleader appearing for the respondent submitted that the petitioner filed second appeal before this Court. If the petitioner has obtained any interim order in the aforesaid second appeal, the same shall be considered by the authority.

4. In view of the above facts and circumstances, the petitioner filed second appeal before this Court and the same is in un-numbered stage. At this stage, this Court is of the view that the petitioner has to work out his remedy in the aforesaid second appeal. Subject to the out come of the second appeal, it is open to the petitioner to file his objection before the authority concerned.

5.This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 advocate/litigant concerned.

To

- 1.The Revenue Divisional Officer,
Paramakudi Division, Paramakudi,
Ramanathapuram District.
- 2.The Thasildhar,
Mudukulathur Taluk Office,
Mudukulathur, Ramanathapuram District.
- 3.The Taluk Deputy Inspector of Survey,
Mudukulathur Taluk Office,
Mudukulathur, Ramanathapuram District.

+1 CC to M/s.R. VENKATESWARAN, Advocate (SR-15499[F] dated 01/09/2020)

+1 CC to M/s.GP (SR-15666[F] dated 02/09/2020)

W.P. (MD) No.10577 of 2020
and
W.M.P. (MD) No.9335 of 2020
01.09.2020

KG(CO)
TR(16.09.2020) 3P 6C