



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.12165 of 2020

K.Thirumoorthy

... Petitioner

-Vs-

1.The Tahsildar,
Kujizhiyamparai Taluk, Dindigul District.

2.B.Balasubramanian ... Respondents

(R2 is impleaded vide Court order dated 28.09.2020 in W.M.P.(MD) No.10931 of 2020 in W.P.(MD)No.12165 of 2020 by DKKJ)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to conduct survey and demarcation of the petitioner's land comprised in Patta No.7274 to an extent of 1 acre 20 cents covered under S.F.No.1483/2 situated at Palayam Village, Kujizhiyamparai Taluk, Dindigul District.

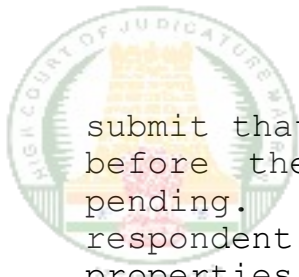
For Petitioner : Mr.V.Muthukamatchi
For R1 : Mr.M.Pandiya Rajan,
Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition to direct the first respondent to conduct survey and demarcation of the petitioner's land comprised in Patta No.7274 to an extent of 1 acre 20 cents covered under S.F.No.1483/2 situated at Palayam Village, Kujizhiyamparai Taluk, Dindigul District.

2.The petitioner has purchased some properties and he is in possession and enjoyment of the same without any interruption and revenue records also mutated in the name of the petitioner. At this juncture, the petitioner has made an application before the first respondent on 12.06.2020 to conduct survey and demarcation of the properties. Thereafter, the first respondent has issued notice to the petitioner and his adjacent land owners on 07.09.2020, with regard to survey and demarcation of the petitioner's properties and fixed date for survey on 11.09.2020 at 11.00 A.M. Thereafter, the first respondent has not conducted any survey. Therefore, the petitioner has approached this Court by way of filing this Writ Petition with aforesaid prayer.

3.The learned Additional Government Pleader appearing for the first respondent has brought to the attention of this Court to the letter sent by the first respondent dated 18.09.2020 and would



submit that the second respondent herein has filed O.S.No.37 of 2020 before the District Munsif Court, Vedasanthur and the same is pending. In view of the pendency of the civil suit, the first respondent is not able to conduct survey and demarcation of the properties.

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4.Since the civil suit in O.S.No.37 of 2020 is pending before the District Munsif Court, Vedasanthur, the petitioner is entitled to seek all necessary relief, including surveying of land by making necessary application before the Court below concerned and the Court below will consider the request of the petitioner in accordance with law, appoint Advocate Commissioner and take photograph and videograph of the said survey, so that more further complication would not arise in the matter. The relief sought for by the petitioner cannot be granted in this Writ Petition, in view of the pendency of the suit. This Court makes it very clear that none of the issues touching merits of the matter including civil suit, are gone into the present Writ Petition.

5.Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// 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 advocate/litigant concerned.

To

The Tahsildar,
Kujizhiyamparai Taluk,
Dindigul District.

+1 CC to M/s.V. MUTHUKAMATCHI, Advocate (SR-19353[F] dated 07/10/2020)

+1 CC to M/s.SPL GP (SR-19429[F] dated 08/10/2020)

W.P. (MD)No.12165 of 2020
07.10.2020

SCR(CO)

KB(13.10.2020) 2P 4C

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