



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

WEB COPY

W.P(MD)No.18473 of 2020

Nagendran

.. Petitioner

Vs.

1.The District Surveyor,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

3.Mohan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first and second respondents to survey the land situated in survey No.116/4B, 116/4C 116/4D of Kalkurichi Village, Kariyapatti Taluk, Virudhunagar District by correlating the sale deed of the petitioner and the 3rd respondent herein and prepare a FMB on the basis of the petitioner's representation dated 28.01.2020.

For Petitioner	:	Mr.D.Ramesh Kumar
For Respondents 1 and 2	:	Mr.M.Pandiya Rajan Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the first and second respondents to survey the land situated in survey No.116/4B, 116/4C 116/4D of Kalkurichi Village, Kariyapatti Taluk, Virudhunagar District by correlating the sale deed of the petitioner and the 3rd respondent herein and prepare a FMB on the basis of the petitioner's representation dated 28.01.2020.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. Mr.M.Pandiya Rajan, learned Additional Government Pleader takes notice for the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to the third respondent is dispensed with.



4. When the matter is taken up for hearing, it is represented that already a Civil Suit is pending in O.S.No.46 of 2006 before the District Munsif Court, Aruppukottai.

5. Since a Civil Suit is pending, the petitioner is not entitled to get the relief sought for in the writ petition and the remedy lies to the petitioner only before the Civil Court and this Court cannot look into the issue raised in this writ petition.

6. Therefore, this writ petition stands dismissed by granting liberty to the petitioner to agitate his grievance before the appropriate forum. No Costs. It is needless to state that the Civil Court can proceed with the issue without adjourning the same beyond 15 working days.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 District Surveyor,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

+1 CC to Mr. Special Government Pleader, SR.No. 26069

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mk(CO)
TR(06.01.2021) 2P 4C