



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.14786 of 2016

and

W.M.P (MD) .Nos.10928, 10929 and 8272 of 2020

WEB COPY

Muthiah

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar, Usilampatti Taluk,
Madurai District.

3.The Surveyor, Usilampatti Firka,
Usilampatti Taluk,
Madurai District.

4.R.Kavitha

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice dated 05.08.2016 issued by the third respondent proposing to survey and fix the boundaries of the property in Survey No.155/1B1A, Manoothu Village, Usilampatti Taluk, Madurai District and consequentially forbearing the respondents 1 to 3 from surveying and fixing the boundaries of the said property before effecting partition of the share of the fourth respondent by metes and bounds.

For Petitioner: Mr.J.Bharathan

For R1 to R3 : Mr.C.Ramesh

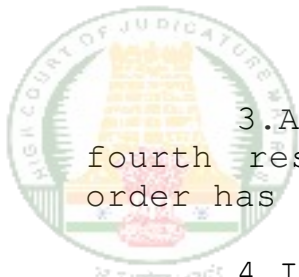
Special Government Pleader

For R4 : MrJ.Senthil Kumaraiah

ORDER

Heard Mr.J.Bharathan, learned counsel appearing for the petitioner, Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.J.Senthil Kumaraiah, learned counsel appearing for the fourth respondent.

2.Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the prayer sought for in the writ petition to survey and fix the boundaries of the property in Survey No.155/1B1A, is not required for consideration, on the ground that the fourth respondent's application has already been rejected by the respondents 1 to 3 stating that a civil suit is pending before



3.At this juncture, the learned counsel appearing for the fourth respondent submitted that a copy of the said rejection order has not received by the fourth respondent.

4.In view of the said submission, the respondents 1 to 3 shall communicate the copy of the said rejection order to the parties concerned.

5.Recording the submission made by the learned Special Government Pleader appearing for the respondents 1 to 3, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// 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

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar, Usilampatti Taluk,
Madurai District.

3.The Surveyor, Usilampatti Firka,
Usilampatti Taluk,
Madurai District.

+1 CC to Mr.T.R.JEYAPALAM, Advocate (SR-17750[F] dated 22/09/2020)

W.P. (MD)No.14786 of 2016
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SE (CO)

KM (30.09.2020) 2P 5C