



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.3844 of 2013

and

M.P. (MD) .No.1 of 2013

S.P.R.Pandi

... Petitioner

Vs.

1.The Tahsildar,
Andipatti Taluk,
Theni District.

2.Taluk Sub Surveyor,
Taluk Office,
Andipatti,
Theni District.

3.A.Chellapandi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's objection dated 22.02.2013 and pass necessary order in accordance with law before passing any order pertaining to the demarcation of the property comprised in S.Nos.133/1, 133/2 situated at Mayiladumparai Village, Andipatti Taluk, Theni District on the basis of the representation made by the 3rd respondent.

For Petitioner : Mr.L.Praveen Kumar

For Respondents 1 & 2 : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus, directing the respondents 1 and 2 to consider the petitioner's objection dated 22.02.2013 and pass necessary orders in accordance with law before passing any order pertaining to the demarcation of the property comprised in S.Nos.133/1, 133/2 situated at Mayiladumparai Village, Andipatti Taluk, Theni District on the basis of the representation made by the 3rd respondent.



2. It is brought to the notice of this Court that the suit filed by the petitioner in O.S.No.168 of 2010 against the third respondent and others seeking for the relief of permanent injunction was decreed by judgment and decree dated 29.08.2016 by the District Munsif Court, Andipatti.

3. In view of the above, the third respondent cannot be permitted to seek for the survey of the subject property and the third respondent has to necessarily work out his remedy only before the competent Civil Court, if he is aggrieved by the judgment and decree passed in O.S.No.168 of 2010.

4. In the result, this writ petition stands allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

/ /2021
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 Tahsildar,
Andipatti Taluk,
Theni District.
- 2.Taluk Sub Surveyor,
Taluk Office,
Andipatti,
Theni District.

+1 CC to Special Government Pleader (SR-18444[F] dated 03/05/2021)

W.P. (MD) .No.3844 of 2013
29.04.2021

PJL
TE : 04/06/2021 : 2P/4C