



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.02.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

W.P. (MD)No.1409 of 2021

(Through Video Conferencing)

K.Vellaisamy

: Petitioner

Vs.

1.The Tahsildar,
Devakottai Taluk
Devakottai
Sivagangai District.

2.The Taluk Surveyor,
Devakottai Taluk Office,
Devakottai
Sivagangai District.

3.The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai
Sivagangai District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents to survey and mark the boundaries of the land in Survey No.187/7 Kallangudi, Devakottai Taluk, Sivagangai District by laying concrete fencing in the land thereby provide adequate police protection based on the petitioner's representation dated 24.12.2020 submitted in person within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu for
Mr.S.P.Naveenkumar

For Respondents: Mr.R.Murugaraj
Additional Government Pleader



ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who has already filed a suit being the plaintiff in O.S.No.61/2018 on the file of the District Munsif Court, Devakottai, seeks a writ of Mandamus directing the respondents to survey and demarcate the boundaries.

2. Though the learned counsel for the petitioner submitted that necessary fees have been paid, we are not impressed with the submissions made. The petitioner has rightly invoked the jurisdiction of the civil Court by taking course to common law remedy. The powers of the civil Court are plenary in nature as regards the discretionary power of this Court under Article 226 of the Constitution of India. Further more, the property in question is also same and so also, the respondents arrayed before us.

3. In such view of the matter, this writ petition stands closed. However taking into consideration the fact that the suit is pending on the file of the District Munsif, Devakottai from the year 2018 onwards, the said Court is directed to dispose of the same within a period of six months from the date of receipt of a copy of this order.

4. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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 Munsif,
Devakottai.



2.The Tahsildar,
Devakottai Taluk
Devakottai
Sivagangai District.

3.The Taluk Surveyor,
Devakottai Taluk Office,
Devakottai
Sivagangai District.

4.The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai
Sivagangai District.

Copy to:

The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to SGP (SR-3082[F] dated 03/02/2021)

Order made in
W.P. (MD)No.1409 of 2021

Dated: 01.02.2021

SVN (CO)
NR (11/02/2021) 3P : 7C