



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8141 of 2021

Radha

...Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The Tahsildar, Sivakasi Taluk,
Virudhunagar District.
- 3.The Taluk Surveyor, Sivakasi Taluk,
Virudhunagar District.
- 4.The Inspector of Police,
Malli Police Station,
Virudhunagar District.
- 5.Jeganathan

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to survey the lands measuring in S.No.965, 966/1, 466/2 and 967 /3 of Injar Village, Sivakasi Town, Sivakasi Taluk, Virudhunagar District, to an extent of six acres and 46 cents in which Plot No.9 to an extent of 1692, square feet situated in S.No.965, belonging to the petitioner's husband on the basis of the petitioner's representation dated 03.03.2021.

For Petitioner
For R-1 to R-4

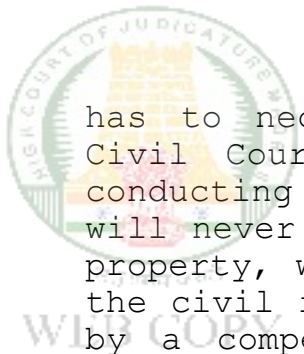
:Mr.M.Sankar
:Mr.M.Rajarajan
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the third respondent to survey the subject property pursuant to the representation made by the petitioner on 03.03.2021.

2. Heard Mr.M.Sankar, learned counsel appearing on behalf of the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader appearing on behalf of the respondents 1 to 4.

3. Even as per the admitted case of the petitioner as found in the affidavit filed in support of the Writ Petition, the fifth respondent has already encroached upon an extent of 4.5 feet into the property belonging to the petitioner. Therefore, the petitioner



has to necessarily agitate her rights only before the competent Civil Court and the same cannot be short circuited by way of conducting a survey through the Revenue Authorities. This Court will never entertain the petition seeking for survey of the subject property, where, it is found that there is a dispute with regard to the civil rights among the parties and which has to be decided only by a competent Civil Court and a survey should not be ordered mechanically to short circuit the civil proceedings.

4. In view of the above, this Court does not find any merit to entertain this Writ Petition and it is left open to the petitioner to agitate her rights before the competent Civil Court and work out her remedy in accordance with law.

5. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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 District Collector,
Virudhunagar District, Virudhunagar.
 - 2.The Tahsildar, Sivakasi Taluk,
Virudhunagar District.
 - 3.The Taluk Surveyor, Sivakasi Taluk,
Virudhunagar District.
 - 4.The Inspector of Police, Sivakasi Taluk,
Virudhunagar District.
- +1 CC to M/s.SPL GP (SR-16933[F] dated 21/04/2021)

Order made in

W.P. (MD) .No.8141 of 2021

20.04.2021

RP (25.05.2021) P 6C