



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8680 of 2021

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Eswari

...Petitioner

Vs.

1. The Thasildhar,
Aandipatti Taluk, Theni District.

2. The Head Surveyor,
Aandipatti Taluk, Theni District.

3. Jeyakumar

4. Susitharan

5. Minor Dinesh Kumar
Represented through his
mother and natural guardian Easwari ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to survey and fix the boundaries of the petitioner's properties in Survey Nos.63/1A, 64/4 and 64/5 of Ramakrishnapuram Village, Aandipatti Taluk, Theni District, based on the petitioner's representation dated 03.12.2020.

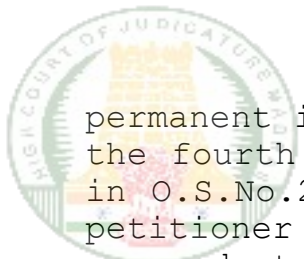
For Petitioner	: Mr.S.SuKumar
For R-1 & R-2	: Mr.P.Mahendran
	Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first and second respondents to consider the representation made by the petitioner on 03.12.2020, wherein, the petitioner has sought for the survey of the subject property and for fixing the boundaries.

2. Heard Mr.S.Sukumar, learned counsel appearing on behalf of the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing on behalf of the respondents 1 and 2.

3. It is seen from records that the petitioner has already filed a substantial suit in O.S.No.34 of 2020, before the District Munsif Court, Andipatti, seeking for the relief of declaration,



permanent injunction and also for mandatory injunction. That apart, the fourth and fifth respondents have also filed a substantial suit in O.S.No.286 of 2020, before the Sub Court, Theni. If at all the petitioner is aggrieved by the attempt made by the private respondents to encroach upon the property belonging to the petitioner, the petitioner has to move an appropriate Interlocutory Application before the concerned Civil Court where the suit is pending. Instead the petitioner cannot be permitted to parallelly prosecute a Writ Petition and seek for the survey of the subject property and thereby, short-circuit the entire process. Whatever is being attempted by the petitioner in this Writ Petition can always be worked out by way of filing an Interlocutory Application before the concerned Court for appointment of an Advocate Commissioner, who can survey the property with the help of a Surveyor. When sufficient efficacious alternative remedy is available to the petitioner, this Court will never entertain the Writ Petition.

4. In the result, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

// 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 Thasildhar, Aandipatti Taluk, Theni District.

2. The Head Surveyor,
Aandipatti Taluk, Theni District.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-17887[F] dated 28/04/2021)

+1 CC to M/s.SPL GP (SR-18088[F] dated 29/04/2021)

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