



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2021

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10201 of 2021

J.Santha Selvi Rajammal

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District, Thoothukudi.
2. The Revenue Divisional Officer,
Tiruchendur Revenue Division,
Tiruchendur, Thoothukudi District.
3. The Assistant Director,
Department of Survey and Land Records,
Thoothukudi District.
4. The Tahsildar,
Eral, Thoothukudi District.
5. The Head Surveyor,
Taluk Office, Eral,
Thoothukudi District.
6. K.Manova

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent Nos.1 to 5 herein to resurvey the land, which is situated in Kadayanodai Village, Eral Taluk, Thoothukudi District, comprised in Old Survey No.43, New Survey No.208 by metes and bounds and demarcate the lands by considering the application filed by the petitioner on 10.03.2021 on the file of the respondent Nos.1 to 5 herein.

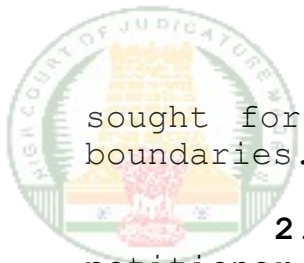
For Petitioner : Mr.S.Saravanan

For R-1 to R-5 : Mr.S.Shanmugavel

Government Advocate (Civil)

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the respondents to act upon the application given by the petitioner on 10.03.2021, wherein, the petitioner has



sought for resurvey of the subject property and for marking the boundaries.

2. Heard Mr.S.Saravanan, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Government Advocate (Civil) appearing for the respondents 1 to 5.

3. In the considered view of this Court, there is already a civil case pending between the parties and in fact, the suit filed by the petitioner in O.S.No.133 of 2017, was dismissed by the learned District Munsif, Srivaikundam and there is an appeal pending in A.S.No.1 of 2020 before the Sub Court, Tiruchendur. During the pendency of the civil proceedings, there is no question of directing the Revenue Authorities to conduct a resurvey. The petitioner has to be necessarily agitate the case before the Civil Court in the Appeal and depending upon the result of the case, the petitioner can thereafter approach the Revenue Authorities.

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

Sd/-

Assistant Registrar (CSI)

// 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.

tsg

To

1. The District Collector,
Thoothukudi District, Thoothukudi.
2. The Revenue Divisional Officer,
Tiruchendur Revenue Division,
Tiruchendur, Thoothukudi District.
3. The Assistant Director,
Department of Survey and Land Records,
Thoothukudi District.



4.The Tahsildar, Eral, Thoothukudi District.

5. The Head Surveyor,
Taluk Office, Eral,
Thoothukudi District.

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+1 CC to M/s.SPL GP (SR-19654[F] dated 18/06/2021)

**Order made in
W.P. (MD) .No.10201 of 2021**

**Dated :
17.06.2021**

GS (25.06.2021) 3P 7C