



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11564 of 2021

Rabiya Begum

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

3.The Taluk Surveyor,
Nilakottai Taluk,
Dindigul District.

4.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

5.Hawva Beevi

6.Sowkath Ali

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to conduct survey and measurement in respect of the properties in Survey Nos.135/2A & 135/2C1, Kodanginaickenpatti Village, Nilakottai Taluk, Dindigul District, within a time frame by this Court and consequently, direct the 4th respondent to give adequate police protection to the 3rd respondent for conducting the survey and measurement

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.R.Suresh Kumar for R1 to R4
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of Mandamus, directing the third respondent to act upon the representation made by the petitioner, wherein, the petitioner is seeking for the survey of the subject properties with police protection.



2.Heard Mr.K.Navaneetharaja, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate, appearing for the respondents 1 to 4.

3.In the considered view of this Court, a suit is pending in O.S.No.159 of 2020 and the suit has been filed by the petitioner against the private respondents seeking for the relief of declaration and other consequential reliefs. During the pendency of the suit, the petitioner has made a representation to the second and third respondents, seeking for survey of the subject properties. Since the same was not acted upon, the present writ petition has been filed before this Court.

4.The petitioner cannot parallelly move a writ petition and seek for a survey. If at all the petitioner wants a survey to be conducted, he has to move an application before the concerned Civil Court where the suit is pending and seek for a survey of the properties by an Advocate Commissioner with the help of Surveyor. The Civil Court can appreciate the materials placed and take a considered decision when such an application is filed. Therefore, except giving this liberty, no further orders can be passed in the present writ petition. It is made clear that as and when the petitioner files such an application, the Court below shall deal with it and pass orders in accordance with law as expeditiously as possible.

5.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,
Dindigul District,
Dindigul.



2.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

3.The Taluk Surveyor,
Nilakottai Taluk,
Dindigul District.

4.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

+1 CC to M/s.SPL GP (SR-22519[F] dated 14/07/2021)

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PM(CO)
KB(20.07.2021) 3P 6C