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W.P(MD)No.18226 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.18226 of 2021

and

W.M.P(MD) .No.15059 of 2021

Amaravathi

... Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The Tahsildar,
Thiruvenkadam Taluk,
Thiruvenkadam,
Tenkasi District.

3.The Firka Surveyor,
Thiruvenkadam Taluk Office,
Thiruvenkadam,
Tenkasi District.

4.The Sub Inspector of Police,
Thiruvenkadam Police Station,
Thiruvenkadam,
Tenkasi District.

5.Chandrasekar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned notice dated 15.09.2021 on the file of the third respondent and quash the same as illegal, arbitrary and without jurisdiction and consequently forbear the respondents 1 to 4 from holding any such enquiry or survey till the dispute in O.S.No.9 of 2004 on the file of the Principal Munsif Court, Sankarankovil, presently pending in S.A.(MD).No.1074 of 2008 is finally adjudicated.

For Petitioner : Mr.H.Lakshmi Shankar

For R-1 to R-4 : Mr.D.Ghandiraj,
Special Government Pleader.

For R-5 : Mr.S.Sarvagan Prabhu



ORDER

Heard Mr.H.Lakshmi Shankar, learned counsel for the petitioner, Mr.D.Ghandiraj, learned Special Government Pleader who appears on behalf of respondents 1 to 4 and Mr.S.Sarvagan Prabhu, learned counsel for the fifth respondent.

2. The Writ Petition has been filed in the nature of Certiorarified Mandamus particularly, questioning any action to be taken with respect to an application given by the fifth respondent to survey the lands which are in fact the subject matter of pending Second Appeal in S.A(MD).No.1074 of 2008. A stay had also been granted by this Court.

3. As on date, nothing survives for any further adjudication because, it had been very fairly stated by all the learned counsels that the second respondent / The Tahsildar, Thiruvenkadam Taluk, Tiruvenkadam, Tenkasi District by communication dated 21.10.2021 in Na.Ka.No.A9/2269/2021 stated that he would not proceed further with any application for survey but would rather await the result of the Second Appeal. A copy of the said communication had been forwarded by Mr.H.Lakshmi Shankar, learned counsel for the petitioner. The said decision of the second respondent is extremely prudent.

4. As no further orders are required, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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,

<https://hcservices.mca.gov.in/10services>



2.The Tahsildar,
Thiruvenkadam Taluk,
Thiruvenkadam,
Tenkasi District.

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3.The Firka Surveyor,
Thiruvenkadam Taluk Office,
Thiruvenkadam,
Tenkasi District.

4.The Sub Inspector of Police,
Thiruvenkadam Police Station,
Thiruvenkadam,
Tenkasi District.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-36703[F] dated
01/12/2021)

+1 CC to M/s.SPL GP (SR-36751,31738[F] dated 01/12/2021)

**W.P(MD)No.18226 of 2021
30.11.2021**

RK(23/12/2021) 3P 7C