



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.02.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.19605 of 2020

WEB COPY

Durairaj

... Petitioner

vs

1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

2.The Land Surveyor,
Tirunelveli Corporation,
Tirunelveli.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing respondents to measure the land in T.S.No.2010/3, 2011/4 in Ayan Punja Land, Palayapettai, Tirunelveli District, based on the petitioner's representation dated 12.12.2019 within a time fixed by this Court.

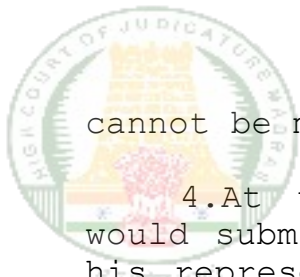
For Petitioner	:	Mr.D.Anbarasu
For R1	:	Mr.Aayiram K.Selvakumar Standing Counsel
For R2	:	Mr.C.Ramesh Special Government Pleader

ORDER

When the matter is taken up for hearing today, the learned Senior Counsel appearing for the 1st respondent would submit that the subject property was sought to be surveyed two days before and the respondent official found that there were more claimants, claiming title to the same property.

2.According to the learned Senior Counsel, this writ petition has been filed praying for simple innocuous prayer, as if the petitioner is the only title holder.

3.The learned Senior Counsel would submit that the petitioner has deliberately suppressed the fact of title dispute in regard to the subject property before this Court and therefore, this Writ Petition is liable to be dismissed on the ground that the petitioner has not approached this Court with clean hands. There are more than one claimant in respect of the title over the property in question and as such, according to the learned Senior Counsel, the prayer



cannot be maintainable at all.

4.At this, the learned counsel appearing for the petitioner would submit that the petitioner is merely praying for disposal of his representation, dated 12.12.2019 and in no way any other third party is going to be prejudiced.

5.This Court is unable to appreciate the submission of the learned counsel for the petitioner. First of all, when there are more claimants claiming title over the subject property, it is not open to the petitioner to approach this Court with a seemingly an innocuous direction to dispose of his representation in order to achieve a collateral purpose. This Court finds based on the submission of the learned Standing Counsel for the 1st respondent that this writ petition completely lacks in *bona fides* and therefore, the same is liable to be dismissed with exemplary cost.

6.However, taking into consideration the status of the petitioner, this Court refrains from ordering cost. The Writ Petition hence stands dismissed. No costs.

Sd/-

Assistant Registrar

// 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

The Land Surveyor,
Tirunelveli Corporation,
Tirunelveli.

W.P. (MD)No.19605 of 2020

02.02.2021

(PK)

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