



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.19550 of 2021

A.Sankar

... Petitioner

vs.

- 1.The Assistant Director,
Survey and Land Records,
Dindigul District, Dindigul.
- 2.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur, Dindigul District.
- 3.The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai, Dindigul District.
- 4.S.Sundararajan
- 5.S.Rajendran
- 6.S.Ponnan
- 7.S.Aandi

... Respondents

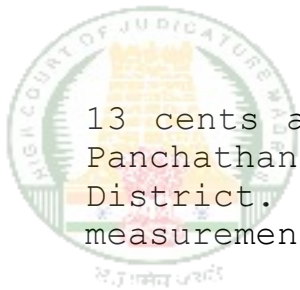
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to direct the first respondent to measure the petitioner's land situated in Survey No.228/B to an extent of 3 acre 23 cents, Survey No.229 to an extent of 3 acre 13 cents and Survey No.230/1A to an extent of 1 acre situated at Panchathangi Village, Ayyalur Post, Vedasandur Taluk, Dindigul District based on the Old Field Measurement Book (FMB) and further to direct the third respondent to give necessary police protection for measuring the same based on the petitioner's representation, dated 06.09.2021.

For Petitioner :Mr.G.Gomathi Sankar

For Respondents :Mr.S.Shanmugavel
Government Advocate

O R D E R

The present Petition is filed in the nature of Mandamus seeking a direction against the first respondent/the Assistant Director, Survey and Land Records, Dindigul District, to measure the land of the petitioner situated in Survey No.228/B to an extent of 3 acre 23 cents, Survey No.229 to an extent of 3 acres



13 cents and Survey No.230/1A to an extent of 1 acre situated at Panchathangi Village, Ayyalur Post, Vendasandur Taluk, Dindigul District. The petitioner also seeks police protection during such measurement.

2.It transpires during the course of the arguments putforth by Mr.Gandhirajan, learned Government Advocate that the petitioner herein had already filed a suit in O.S.No.60 of 2011 now pending on the file of the District Munsif Court, Vendasandur, wherein, the defendants are the respondents 4 to 7 herein. In the said particular suit, an Advocate Commissioner was appointed to measure the land, which is the subject land of the present Writ Petition. But, the Commissioner had measured the land according to the New Field Measurement Book, but not according to the Old Field Measurement Book. Therefore, the present Writ Petition is filed seeking direction as stated above.

3.It only be appropriate the petitioner goes back to the Civil Court and fileS necessary application seeking either to re-issue warrant to the same Commissioner to measure the land according to Old Field Measurement Book or to issue fresh Commission for that particular purpose. The learned District Munsif may take appropriate decision, of-course, after hearing the defendants in the said suit and whether fresh measurement is required or not. Filing a Writ Petition may not be the appropriate course adopted. Let the petitioner go back to the Civil Course and agitate the issue afresh.

4.With the said observation, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The Assistant Director,
Survey and Land Records,
Dindigul District, Dindigul.

2.The Tahsildar,
Vendasandur Taluk Office,
Vendasandur, Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai, Dindigul District.

+1 CC to M/s.SPL.GP (SR-33794[F] dated 09/11/2021)

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-33832[F] dated
09/11/2021)

W.P. (MD) No.19550 of 2021
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RK/NS(22/11/2021) 3P 6C