



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.20474 of 2014

and W.M.P. (MD) No.2631 of 2020 & M.P. (MD) No.1 of 2014
(Through Video Conference)

E.Rajendran

...Petitioner

Vs.

1) The Tahsildar,
Theni Taluk, Theni District.

2) The Taluk Surveyor,
Theni Taluk, Theni District.

3) Amsavalli

4) M.Nagaraj

5) R.Senthil

6) Pandian

7) Sakthivel

8) Malarkodi

9) Kamuthurai

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 and 2 herein from conducting of survey and demarcate the boundaries of the land comprised in S.No.976/2 of an extent of 42 1/2 cents out of 3 acre 58 cents situated in Veerapandi Village, Theni District and consequentially not to alter the entries in the revenue records.

For Petitioner : Mr.A.Saravanan

For RR 1 & 2 : Mr.P.Mahendran,
Additional Government Pleader

For RR 6 to 8 : Mr.G.Anbu Saravanan

For R9 : Mr.A.Mithun Chakkravarthi



O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus forbearing the first and second respondents from conducting any survey in the subject property and for a further direction not to alter the entries made in the revenue records.

2. Heard Mr.A.Saravanan, learned counsel for the petitioner, Mr.P.Mahendran, learned Additional Government Pleader appearing for the first and second respondents, Mr.G.Anbu Saravanan, learned counsel appearing for the respondents 6 to 8 and Mr.A.Mithun Chakkavarathi, learned counsel for the ninth respondent.

3. This Court has carefully considered the submissions made on either side and materials available on record.

4. The entire issue involved in the present writ petition is civil in nature and there are disputed facts. If the petitioner is aggrieved by any transactions that had taken place between respondents 5 to 9, the same can only be agitated before the competent Civil Court and indirectly a writ petition cannot lie before this Court, in the guise of preventing the first and second respondents from conducting any survey. Even if a survey is undertaken by the first and second respondents, the petitioner can always give his objections at the time of conducting the survey.

5. This Court does not find any ground to grant the relief as sought for by the petitioner and accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Tahsildar,
Theni Taluk, Theni District.

2) The Taluk Surveyor,
Theni Taluk, Theni District.

+3 CC to M/s.A.SARAVANAN, Advocate (SR-16893[F] dated 21/04/2021)

+1 CC to M/s.SPL GP (SR-16923[F] dated 21/04/2021)

Order made in
W.P. (MD) No.20474 of 2014
Dated:20.04.2021

TP (CO)

TR(10.06.2021) 3P 7C