



WEB COPY

WA(MD)NO.1405 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.01.2021**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)NO.1405 OF 2016

P.Sakthivel

:Appellant/Petitioner

.vs.

- 1.The State of Tamil Nadu,
represented by the Tahsildar,
Taluk Office,
Trichy West Taluk,
Trichy District-1.
- 2.The Taluk Land Surveyor,
Office of the Taluk Land Surveyor,
Trichy West Taluk,
Trichy District.
- 3.The Inspector of Police,
Edaimalaipatti Pudur Police Station,
Trichy District.
- 4.P.Vellaiammal
- 5.K.Vijaya
- 6.P.Ponnambalam
- 7.P.Kannan

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.14399 of 2016, dated 09.09.2016.

Prayer in WP(MD). 14399/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the Respondent Nos.1 and 2 to survey the land and mark the boundaries of the Petitioners property in Village Survey No.158/12B, Ward AL, Block 33, Town Survey No.9/1, Situated at Prattiyyur East Village, Trichy West Taluk, Trichy District within the stipulated time prescribed by this Honble Court.



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For Appellant :Mr.S.Rajasekar
for M/s.T.Lajapathi Roy

For Respondents :Mr.P.Mahendran
1 to 3 Addl.Govt.Pleader

For Respondents :Mr.Antony Arul Raj
4 to 7

JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

This Writ Appeal has been filed seeking to set aside the order passed by this Court in W.P(MD)No.14399 of 2016, dated 09.09.2016.

2.Originally, the Writ Petition was filed for a mandamus directing the respondents 1 and 2 to survey the land and mark the boundaries of the Petitioner's property in Village Survey No.158/12B, Ward AL, Block No.33, Town Survey No.9/1, situated at Prattiur East Village, Trichy West Taluk, Trichy District.

3.This Court, after hearing the parties, specifically found that from the order passed by the first respondent and the extent that has been encroached, has already been clearly demarcated by the first respondent. Admittedly, there is a suit, which is pending, filed by the respondents 4 to 7 herein in O.S.No.1259 of 2013, on the file of the District Munsif Court, Tiruchirappalli, challenging the order of the first respondent. The said order, dated 11.09.2013 in Na.Ka.Aa.No.6723-2011 was passed at the instance of the appellant herein to remove the encroachment. Pursuant to the said order, the said act has already been done, which is now under challenge in the Civil Suit. Therefore, the petitioner again cannot seek for any indulgence from this Court for a fresh survey, without any basis.

4.This Court finds no merit in the Writ appeal and the order of the learned Single Judge made in W.P(MD)No.14399 of 2016, dated 09.09.2016 is confirmed and the Writ Appeal stands dismissed.No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



1.The Tahsildar,
Government of Tamil Nadu,
Taluk Office,
Trichy West Taluk,
Trichy District-1.

2.The Taluk Land Surveyor,
Office of the Taluk Land Surveyor,
Trichy West Taluk,
Trichy District.

3.The Inspector of Police,
Edaimalaipatti Pudur Police Station,
Trichy District.

+1 CC to SGP (SR-437[F] dated 07/01/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-604[F] dated
08/01/2021)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-369[F] dated
06/01/2021)

**JUDGMENT MADE IN
W.A(MD)NO.1405 OF 2016**

06.01.2021

SE (CO)
NR (19/01/2020) 3P : 7C