



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.A. (MD)No.947 of 2018 and

CMP(MD) No.6300 of 2018

S.Kalyani :Appellant/3rd Party

Vs.

1.V.Rameshkumar : 1st Respondent/Writ Petitioner

2.The Tahsildar,
Karaikudi
Sivagangai District

3.The Surveyor,
Karaikudi Municipality
Karaikudi
Sivagangai District.

: Respondents 2 & 3/Respondents 1&2

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) No.1710/2018 dated 30.01.2018.

Prayer in WP(MD). 1710 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to survey the petitioners house site in old T.S.No.511/1 part 1, New T.S.No.367, Subramaniamapuram 1st street, Block No.4, Ward No.2, Karaikudi Town, Sivagangai District and put up a measuring stone by considering the representation dated 02/01/2018.

For Appellant : Mr.K.N.Govardhanan

For Respondents : Mr.K.P.Krishnadoss for R2&3
Special Government Pleader
Mr.H.Mohammed Imran for R4
for M/s.Ajmal Associates

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellant challenging the order of the learned single Judge, who, in the absence of the



appellant, who was admittedly not arrayed as a party respondent, allowed the writ petition by directing the official respondents to conduct the survey.

2. It appears that there are inter se dispute between the appellant and the private respondent. The suit filed by the private respondent also dismissed. Unfortunately, these facts were not brought before the learned Single Judge.

3. In such view of the matter, we do not have any hesitation in setting aside the order passed by the learned single Judge leaving the right of the parties untouched to proceed further in the civil litigation.

4. The writ appeal stands disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

To

1.The Tahsildar,
Karaikudi
Sivagangai District

2.The Surveyor,
Karaikudi Municipality
Karaikudi
Sivagangai District.

+1 CC to M/s.SPL GP (SR-8681[F] dated 04/03/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-8752[F] dated 04/03/2021)

Order made in
W.A. (MD) No. 947 of 2018
03.03.2021

VB (23.03.2021) 2P 5C