



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)NO.1424 OF 2017

and

C.M.P(MD)No.10683 of 2017

N.Thaha Khan :Appellant/Third Party
.vs.
1.Shajakhan :Respondent/Respondent
2.The Tahsildar,
Office of the Tahsildar Office,
Keelakarai,
Ramanathapuram District. :Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act praying this Court to set aside the order passed by this Court in W.P(MD)No.2949 of 2017, dated 21.2.2017.

Prayer in WP(MD) . 2949/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent to survey the petitioner's land and mark four boundaries in Old Survey No.73/3, New Survey No.224/2 and 224/20 to an extent of 3.04 Acres situated at Periyapatnam Village, Keelakarai Taluk, Ramanathapuram District in terms of Section 7 of the Tamil Nadu Survey & Boundaries Act 1923 and by considering the petitioner's representation dated 07.11.2016 within the period that may be stipulated by this Honble Court

For Appellant :Mr.K.Vadivelu
for Mr.A.S.Mujibur Rahman
For Respondent-1 :Mr.Karthik Raja
for M/s.Ajmal Associates
For Respondent-2 :Mr.K.P.Narayanakumar
Special Govt.Pleader

JUDGMENT

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

This Writ Appeal is directed against the order made in W.P(MD) No.2949 of 2017, dated 21.02.2017, wherein, the Writ Petition filed by the Writ Petitioner/first respondent herein, was disposed of by directing the authorities concerned to consider his representation services from his land.



2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Writ Appellant is a third party. The original Writ Petitioner namely, one Shajakhan, Son of Mohammed had filed a Writ of Mandamus directing the respondent to survey the Petitioner's land and mark the four boundaries in Old Survey No.73/3, New Survey No.224/2 and 224/20, measuring an extent of 3.04 acres situated at Periyapattinam Village, Keelakarai Taluk, Ramanathapuram District, in terms of Section 7 of the Tamil Nadu Survey and Boundaries Act, 1923, based on his representation dated 7.11.2016.

4.The said Writ Petition was disposed of by this Court on 21.2.2017, with a direction to the respondent to consider the representation of the Petitioner and pass orders on the same on merits and in accordance with law.

5.The learned Special Government Pleader appearing for the second respondent as well as the learned counsel appearing for the Writ Petitioner represents that pursuant to the order of this Court dated 21.02.2017, the Surveyor had measured the property and fixed the boundary stones as per the possession of the Writ Petitioner.

6.The Writ Appellant states that there is already a Writ Petition pending in W.P(MD)No.16446 of 2014, wherein, he has challenged the order of the District Revenue Officer, Ramanathapuram, dated 31.07.2014 in Order NO.Pa.Mu.43156/2012(B6), wherein, the revision petition filed by one Mohammed, who is the father of the Writ Petitioner in W.P(MD)NO.2949 of 2017, was partly allowed and a direction to issue patta was ordered.

7.In the present Writ Appeal, only the lands of the Writ Petitioner have been measured and survey stones were placed. It would not be prejudicial to the Writ Appellant in any manner. The learned Special Government Pleader is directed to file the survey report pursuant to the orders passed by this Court, dated 21.2.2017 before this Court in W.P(MD)No.16446 of 2014. It is open to the Writ Appellant to canvass the correctness of the survey report in the pending Writ Petition.

8.In view of the above directions, this Writ Appeal is closed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

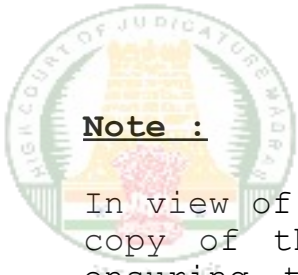
Sd/-

Assistant Registrar (W)

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/ /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 Tahsildar,
Office of the Tahsildar Office,
Keelakarai,
Ramanathapuram District

+1 CC to M/s.A.S.MUJIBUR RAHMAN, Advocate (SR-10981[F] dated 15/03/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-11283[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11842[F] dated 17/03/2021)

W.A(MD)NO.1424 OF 2017
and
C.M.P (MD) No.10683 of 2017
15.03.2021

VR(CO)
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