

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15023 of 2022

&

W.M.P.No.14243 of 2022

Indus Sea Farers Training
Academy formerly known as
Indian Seafarers Training Academy,
Represented by its Chairman/Managing Trustee
Mr.CH.Rama Rao,
Indus Campus, Mannali Saravannan Street,
Gangai amman koil, Mangadu Main Road,
Kundrathur Taluk,
Chennai - 600 122

... Petitioner

Vs.

1. The Tahsildar
Kundrathur Taluk,
Kancheepuram District.
2. The Revenue Inspector,
Kundrathur Taluk,
Mangadu,
Kancheepuram District,
3. The Surveyor,
Kundrathur Taluk,
Kancheepuram District.
4. The Cine Technicians Association of South India (CTA)
Rep. by its President K.Ramachandra Kurup
Nathan Building, 2nd Floor, No. 4/7 North Usman Road,
T.Nagar, Chennai-600 017.
- 5.C.Ravichandran
- 6.T.Sarala
- 7.M.Ravichandran
- 8.Sivalingam
- 9.Geetham Foundations Pvt. Ltd.
Rep. by Managing director Prasanna Babu,
New No.166 Old No. 104/1,
N.M.K. Street, Ayanavaram, Chennai - 600 023.

10.Raghu Babu
11.R.Arulmurugam
12.M.Jegadeesan
13.T.Sridhar
14.Mohankrishnan
15.M.Saravanan
16.S.Dheli Rani
17.Gunasekar
18.Vijayalakshmi
19.Mohammed Haneef
20.Shakeera

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to conduct field survey and point out F-Line field measurement by demarcating the metes and bounds of the lease hold property all that piece and parcel of the land of an extent of 3.00 acres or thereabouts comprised in S.Nos.538, 539 part and 541 part of Mangadu Village, previously Sriperumbudur Taluk, presently Kundrathur Taluk, more fully described in the Lease Deed dated 8.07.2002, Registered as Document No.3780 of 2002, on the file of Sub-Registrar, Kundrathur, based on the Petitioner's representation dated 08.02.2022.

For Petitioner : Mr.MA.Gouthaman

For Respondents: Mr.P.Sathish
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to conduct field survey and point out F-Line field measurement by demarcating the metes and bounds of the lease hold property all that piece and parcel of the land of an extent of 3.00 acres or thereabouts comprised in S.Nos.538, 539 part and 541 part of Mangadu Village, previously Sriperumbudur Taluk, presently Kundrathur Taluk, more fully described in the Lease Deed dated 8.07.2002, Registered as Document No.3780 of 2002, on the file of Sub-Registrar, Kundrathur, based on the Petitioner's representation dated 08.02.2022.

2.The case of the petitioner is that the fourth respondent entered into a lease agreement with the petitioner for 99 years and subsequently there was a dispute in between them. There are several suits which are filed by the petitioner and other civil revision petitions. However, the present writ petition is filed for survey and measurement of the leased out property by demarcating the metes and bounds of the lease hold property in

S.Nos.538, 539 part and 541 part of Mangadu Village, for which he has made a representation on 08.02.2022. Till date, the same has not yet been considered. Hence, this writ petition is filed.

3.The learned counsel appearing for the petitioner submits that it would suffice if this Court issues direction to the official respondents to consider the petitioner's representation dated 08.02.2022 and pass orders on the same within a particular time frame fixed by this Court.

4.The learned Additional Government Pleader would submit that the present writ petition is purely civil dispute in between the petitioner and the lessor of the property and the several suits are pending before the Court in between the parties. He further states that without approaching the lower Court for measuring the property filing the present writ petition is not sustainable. Accordingly, he prays for dismissal of the writ petition.

5.The fact in the present case is not in dispute that there was an existing civil dispute in between the petitioner and lessor of the property and the petitioner wants to measure his property. However, for the very same prayer, he can approach the Civil Court where the civil suit is pending. Without approaching the Civil Court, filing the present writ petition is not maintainable.

6.Hence, the prayer sought in the writ petition cannot be granted. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to file appropriate application before the Civil Court where the Civil Suit is pending. If such application is filed, the Civil Court is directed to pass appropriate orders. No costs. Connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vs/kbs

To

1. The Tahsildar
Kundrathur Taluk, Kancheepuram District.

2. The Revenue Inspector,
Kundrathur Taluk, Mangadu, Kancheepuram District,
3. The Surveyor,
Kundrathur Taluk, Kancheepuram District.

+1cc to Mr.MA.Gouthaman, Advocate, S.R.No.36623
+1cc to the Government Pleader, S.R.No.36933

W.P.No.15023 of 2022 &
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SV(CO)
CT/28/07/2022