



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.191 of 2021

and

W.M.P. (MD)No.156 of 2021

P.Kumar

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Madurai District.

2.The Revenue Divisional Officer,
Revenue Divisional Officer Office,
Collectorate Campus,
Madurai-20.

3.The Tahsildar,
Thirupparankundram Tahsildar Office,
Thirupparankundram Taluk,
Madurai-625 006.

4.The Deputy Inspector of Survey,
Thirupparankundram Tahsildar Office,
Thirupparankundram Taluk,
Madurai-625 005.

5.G.Aloysius

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the third respondent in his Na.Ka.No.241/2020, dated 05.12.2020 and quash the same as illegal and consequently, direct the 3rd and 4th respondents to survey the petitioner's dwelling area as per the petitioner's representation dated 05.12.2020.

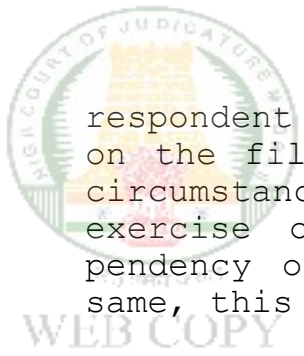
For Petitioner	: Mr.G.Guhaseelarupan
For R1 to R4	: Mr.M.Prakash
	Additional Government Pleader
For R5	: Mr.A.L.Vijay Devraj

ORDER

Heard the learned counsel on either side.

2. The petitioner as well as the 5th respondent are in occupation of portions of Survey No.221/2 in Thirunagar. The fifth

<https://hcservices.ecourts.gov.in/hcservices/>



respondent has also filed an injunction suit in O.S.No.211 of 2020 on the file of the District Munsif Court, Thirumangalam. In these circumstances, the petitioner wanted the Tahsildar to conduct exercise of survey and demarcation. The Tahsildar citing the pendency of the civil suit declined to do so. Questioning the same, this writ petition came to be filed.

3. After hearing the learned counsel on either side, I am satisfied that there is a dispute between the two private parties. Therefore, it is only the jurisdictional civil Court which can resolve the issues. When there is an objection, the surveyor cannot be expected to carry out the work of demarcation. The petitioner can very well institute the suit for demarcation. According to him, the boundaries will have to be definite. The petitioner has already paid a sum of Rs.2,000/-. The said amount was remitted only for the purpose of carrying out the survey exercise. Since the Tahsildar has declined to survey the property, he is not justified in retaining the amount. The third respondent is directed to refund the amount of Rs.2,000/- remitted by the petitioner to him forthwith and without any delay. The District Munsif Court, Thirumangalam, is directed to dispose of O.S.No.211 of 2020 on merits and in accordance with law within a period of eight months from the date of receipt of a copy of this order. The petitioner has already been granted liberty to file a suit for demarcation for definite boundaries. I make it clear that I have not gone into the merits of the matter.

4. With this direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

rmi

To

- 1.The District Collector,
District Collector Office,
Madurai District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Officer Office,
Collectorate Campus,
Madurai-20.



3.The Tahsildar,
Thirupparankundram Tahsildar Office,
Thirupparankundram Taluk,
Madurai-625 006.

4.The Deputy Inspector of Survey,
Thirupparankundram Tahsildar Office,
Thirupparankundram Taluk,
Madurai-625 005.

COPY TO:-

THE DISTRICT MUNSIF,
THIRUMANGALAM.

+2 CC to M/s.C. GUHASEELARUPAN, Advocate (SR-28147[F]
dated 27/06/2022)

+1 CC to M/s.A.L. VIJEYDEVRAJ, Advocate (SR-28854[F]
dated 29/06/2022)

+1 CC to M/s.SPL.GP (SR-28457[F] dated 28/06/2022)

W.P.(MD)No.191 of 2021

and

W.M.P.(MD)No.156 of 2021

27.06.2022

SRK (CO)

GC(04.07.2022) 3P 10C