



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

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THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5022 of 2022

M.Raja

... Petitioner

vs.

1.The Revenue Divisional Officer,
Madurai Division, Madurai.

2.The Tahsildar,
Vadipatti Taluk, Madurai District.

3.The Head Surveyor,
Vadipatti Taluk, Madurai District.

4.The Village Administrative Officer,
Melakkal Village, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents not to measure the land which is situated at Madurai District, Vadipatti Taluk, Melakkal Village in Survey No.601/11 and Survey No.602/4 until the disposal of the appeal and consider the representation of the petitioner dated 21.02.2022.

For Petitioner :Mr.K.Kevin Karan

For Respondents :Mr.B.Saravanan

Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a directions to the respondents not to measure the land, which is situated at Madurai District, Vadipatti Taluk, Melakkal Village in Survey No.601/11 and Survey No.602/4 until the disposal of the appeal based on the petitioner's representation, dated 21.02.2022.

2.It is the case of the petitioner that the rival claimants are attempting to measure the aforementioned land. According to him, an appeal is pending on the file of the I Additional Subordinate Court, Madurai in A.S.No.45 of 2021. The petitioner and others are the appellants in the said appeal. Since an appeal is pending, the petitioner states that the land cannot be measured. The petitioner has given a representation for the said purpose on



21.02.2022. Since, the said representation has not been considered till date, he has filed this Writ Petition.

3. Heard Mr.K.Kevin Karan, learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents.

4. This Court is of the considered view that no prejudice will be caused to the petitioner, if he is also present at the time of conducting survey and demarcation of boundaries done by the official respondents on the request made by the rival claimants. The relief sought for by the petitioner cannot be granted. No injunction order has been granted by any Court of law restraining the respondents from measuring the subject land. The only relief that can be granted to the petitioner is to permit him to be present at the time when survey and demarcation is done by the official respondents.

5. For the foregoing reasons, this Writ Petition is disposed of by directing the respondents to give notice to the petitioner as and when they conduct survey and demarcation of boundaries pertaining to the property situated at Madurai District, Vadipatti Taluk, Melakkal Village in Survey No.601/11 and Survey No.602/4 on the request made by the rival claimants of the petitioner. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1. The Revenue Divisional Officer,
Madurai Division, Madurai.

2. The Tahsildar,
Vadipatti Taluk, Madurai District.

3. The Head Surveyor,
Vadipatti Taluk, Madurai District.

4. The Village Administrative Officer,
Melakkal Village, Madurai District.

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



+1 CC to M/s.K.KEVINKARAN, Advocate (SR-15180[F] dated 29/03/2022)

+1 CC to M/s.SPL GP (SR-15344[F] dated 30/03/2022)

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Order made in
W.P. (MD) No.5022 of 2022
29.03.2022

NSN (CO)
KP (05.04.2022) 3P 7C