



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2022

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.10150 of 2021

Vadamalai

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.

3.The Taluk Surveyor,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.

4.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

5.Ayyavu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents No.2 and 3 to survey and demarcate the petitioner's landed property comprised in Survey Numbers 451/1A3B, 451/1B, 452/1A2, 452B/1B, 452B/1C1 and 452B/3 situated at Ayyalur, Vedasandur Taluk, Dindigul District with adequate police protection from the 4th respondent by considering his representations dated 19.01.2021 and 10.06.2021 and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.M.Sarangan,

Addl. Government Pleader for R1 to R4

Mr.G.Gomathisankar for R5



ORDER

Heard the learned counsel for the writ petitioner, the learned Additional Government Pleader for the respondents 1 to 4 and the learned counsel for the fifth respondent.

2.The petitioner's parents executed two deeds of settlement dated 16.04.1999 in his favour. The petitioner wants the respondents 2 and 3 to survey and demarcate the properties covered under the two settlement deeds. Since the authorities have declined to do so citing the pendency of civil dispute between the petitioner and the fifth respondent, this writ petition came to be filed.

3.It is true that the fifth respondent has filed O.S.No.120 of 2020 on the file of the II Additional District Court, Dindigul. But then, it appears to be second round of litigation. The petitioner's mother and the predecessor in title namely, Palaniappan jointly filed O.S.No.930 of 1982 on the file of the Additional District Munsif Court, Dindigul against the fifth respondent's fore-father. The said suit was decreed on 28.01.1994. An appeal was filed against the same but it was dismissed. Subsequently, a partition suit was filed among the family members of the fifth respondent but that was also dismissed. Therefore, while the present suit filed by the fifth respondent can go on and it is for the jurisdictional Civil Court to dispose it of on merits and in accordance with law, I am of the view that no exception can be taken to the petitioner's request for conducting survey of the petition mentioned lands. It is true that they survey numbers covered under the two settlement deeds cover lands apart from the lands covered by O.S.No.930 of 1982 but in respect of other lands, there does not appear to be any civil dispute. Therefore, the second and third respondents are directed to survey and demarcate the petition mentioned lands on the strength of the settlement deeds dated 16.04.1999 and decree dated 28.01.1994 made on O.S.No.930 of 1982 on the file of the Additional District Munsif Court, Dindigul.

4.This writ petition is allowed accordingly. No costs.

Sd/-

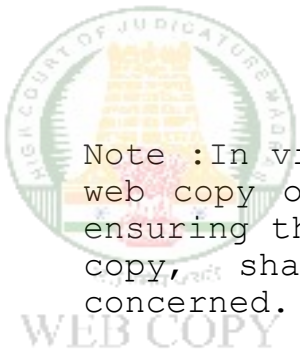
Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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:

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.
- 3.The Taluk Surveyor,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.
- 4.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

COPY TO:

THE ADDITIONAL DISTRICT MUNSIF,
DINDIGUL.

+1 CC to M/s.G.GOMATHISANKAR, Advocate (SR-24646[F]
dated 08/06/2022)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-24754[F] dated 09/06/2022)

+1 CC to M/s.SPL.GP (SR-25097[F] dated 10/06/2022)

**W.P (MD) No.10150 of 2021
08.06.2022**

GM(CO)
GC(16.06.2022) 3P 9C