



W.P.(MD)No.14797 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14797 of 2022

Karunamoorthy

... Petitioner

Vs

1.The Tahsildar,
Madurai South Taluk,
Madurai District.

2.The Taluk Surveyor,
Madurai South Taluk,
Madurai.

3.Kannan @ Sappanni

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the Respondents from conducting surveying in the petitioner Patta Land S.F.Nos. 42/4, 42/13, 42/14, 42/15, 39/9B, 38/2A21, 38/2A5, 38/2A6, 38/5B, 38/6, 38/2, 38/2B which is situated at Panaiyoor Village, Madurai South Taluk, Madurai District without following any due process of law and on the basis of the petitioner representation dated 02.07.2022.



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For Petitioner : Mr.T.Vadivelan
For R1 & R2 : Mr.K.Balasubramani
Special Government Pleader
For R3 : Mr.A.K.Baskara Pandian
for Mr.G.Arjunan

ORDER

Heard the learned counsel on either side.

2. The petitioner had purchased certain items of properties under two sale deeds dated 24.09.1999. The third respondent is the adjacent land owner. He had also purchased certain items of properties under sale deeds dated 12.05.2022 and 17.06.2022. There appears to have arisen a dispute between the petitioner and the third respondent. The third respondent applied to the first respondent for conducting survey of the lands covered under his sale deeds. This is opposed by the writ petitioner. In such matters, steps to be followed by the Tahsildar have been already delineated by me. In this case, the petitioner had already given his objections before the first respondent.

3. The first respondent shall consider the petitioner's objections. If the first respondent finds them to be tenable, he shall relegate the third respondent to move the jurisdictional civil court. If the first respondent does not find the



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writ petitioner's objection to be tenable, he will pass speaking order to that effect. However, survey will be conducted only after six weeks so that the petitioner will have breathing time to move the jurisdictional Court. Unless the petitioner is able to obtain a restraint order, the first respondent shall very well carry out the survey. If need be, the first respondent can take aid of the jurisdictional police. I make it clear that I have not gone into the merits of the matter.

4. The Writ Petition is disposed of on these terms. No costs.

17.08.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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