



W.P(MD)No.16097 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16097 of 2019

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... Petitioner

Vs

1.The District Collector,
Dindigul,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Tahsildar,
Dindigul East Taluk Office,
Dindigul,
Dindigul District.

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

5.Thenammal

6.Raman

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 4 herein from measuring and interfering with the petitioner's peaceful possession and



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enjoyment of the petitioner's property with regard to lands Kombaiyanpatti Village Survey No.372/2, to an extent of 1.59.0 situated at Kombaiyanpatti, Ayyapatti, Vembarpatti Via, Dindigul Taluk, Dindigul District based on the petitioner's representation, dated 27.10.2018.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 to R.3

Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
for R.4

Mr.M.S.Jeyakarthik for R.5

No appearance for R.6

ORDER

Heard the learned counsel on either side.

2. The petitioner filed civil suit against the contesting private respondents in O.S.No.611 of 1999 on the file of the II Additional District Munsif Court, Dindigul. The suit was decreed on 31.01.2001. Questioning the same, the respondents 5 and 6 filed A.S.No.504 of 2004 before the Principal Sub Court, Dindigul. The first appeal was allowed. Aggrieved by the same, the petitioner herein filed S.A(MD)No.205 of 2019. This Court vide order dated 24.04.2019 in C.M.P(MD)No.4247 of 2019 granted interim order of status quo. The



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Second Appeal is still pending. The grievance of the petitioner is that in the meanwhile, at the instance of the private respondents the revenue authority is endeavoring to survey and demarcate the boundaries.

3. When this Court is seized of the matter in civil proceeding and interim order was also granted, it may not be open to the revenue authorities to survey the property at the instance of the private respondents. The parties will have to necessarily work out their rights in the pending second appeal. The private respondents can very well file Civil Miscellaneous Petition in the pending Second Appeal seeking survey and measurement. The respondent cannot by pass the interim order granted in the pending Second Appeal. Granting liberty to the private respondents to work out their rights in the pending Second Appeal, this writ petition is allowed restraining the official respondents from carrying out the exercise of survey and measurement of the petition mentioned properties. This writ petition is allowed. There shall be no order as to costs.

19.12.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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