



W.P.(MD)No.16784 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16784 of 2020

and

W.M.P.(MD)Nos.14017 & 14018 of 2020

S.Veerappan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

3.Ramakrishnan @ Subbian

4.Nagajothi

5.The Head Surveyor,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

(R3 to R5 are impleaded vide Court order
dated 10.12.2020 in W.M.P.(MD)No.14489 of 2020)

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



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pertaining of the second respondent ஓமுஆ6/7841/18 dated 29.05.2019 and quash the same and further direct the respondents to survey the land and issue patta to the petitioner in respect of the land in Natham Old Survey No.34/7 New Survey No.325/4 situated at Keezha Arunachalapuram, Vilathikulam Taluk, Thoothukudi District within a time frame fixed by this Court following the principles laid down by this Court in W.P.(MD)No.7746 of 2018 and batch order dated 23.09.2020 and W.P.(MD)No.13465 of 2020 dated 05.10.2020.

For Petitioner : Mr.J.Imran Khan
For R1, R2 & R5 : Mr.Ramesh Arumugam
Government Advocate
For R3 & R4 : Mr.M.Sathiamoorthy

ORDER

Heard the learned counsel on either side.

2. The petitioner wants survey to be done in respect of the petition mentioned land. He also wants patta to be issued in his favour.

3. His case is that his father Sethuramalingam Reddiyar purchased the property from one Sankarappa Reddiyar under sale deed dated 23.07.1963. I wanted to know if the revenue record reflected the name of the petitioner's father. The answer is in the negative. I wanted to know if the petitioner's father's vendor had any patta in his favour.



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Again, the answer is in the negative. While so, the private respondents herein namely R3 & R4 are also contesting the claim of the petitioner.

4. In these circumstances, it would be most unsafe to direct the revenue authorities to conduct survey of the petition mentioned properties. It is also seen that the petitioner has also filed O.S.No.14 of 2019 on the file of the District Munsif Court, Vilathikulam for the relief of declaration and mandatory injunction. The petitioner may have to amend the suit prayer and seek the relief of declaration and injunction in respect of the property which is under dispute. Unless the petitioner is able to produce a civil court decree in his favour, the survey authority cannot be called upon to conduct survey. I make it clear that I have not gone into the merits of the matter.

5. Leaving open the petitioner's rights and remedies, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

14.07.2022

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

rmi

To

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