



W.P.(MD)No.25463 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.25463 of 2022

Dhanabalan, S/o.Rajapackiyam

.. Petitioner

Versus

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Taluk Office,
Ottapidaram,
Thoothukudi District.

3.Ponraj, S/o.Perumal Nadar

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to survey and to fix boundaries in respect of the petitioner's property, situated at Survey No.301/9B of Tharuvaikulam Village, Ottapidaram Taluk, Thoothukudi District, to an extent of 5 cents, by considering the petitioner's application dated 13.10.2022.

For Petitioner : Mr.S.Vishnuvardhan

For Respondents 1 and 2 : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the second respondent to survey and fix the boundaries in respect of the his property, situated at Survey No.301/9B, Tharuvaikulam Village, Ottapidaram Taluk, Thoothukudi District, measuring an extent of 5 cents, by considering his application, dated 13.10.2022.

2. Heard Mr.S.Vishnuvardhan, learned counsel appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who takes notice for the respondents 1 and 2. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the third respondent is dispensed with.

4. According to the petitioner, he purchased the property in S.No. 301/9B, situated at Tharuvaikulam Village, Ottapidaram Taluk, Thoothukudi District, through a registered sale deed bearing Document No.4706, dated 06.07.2022 from one Jayapandi and his family members. From the said date onwards, the petitioner is in possession and enjoyment of the said property.

The second respondent has also issued Patta No.2323 in the name of the



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petitioner. While so, the third respondent has filed a suit in O.S.No.18 of 2022 before the District Munsif Court, Thoothukudi, against the petitioner's vendor for bare injunction not to evict him unlawfully. In the said circumstances, in order to ascertain the boundaries of the said property, the petitioner applied before the second respondent to conduct survey on 13.10.2022. However, the same has not been considered so far. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. Considering the aforesaid facts and circumstances of the case, it is seen that the petitioner had purchased the property in question through a registered sale deed dated 06.07.2022 from one Jayapandi and his family members. Further, the third respondent has filed a suit in O.S.No.18 of 2022 before the District Munsif Court, Thoothukudi, against the petitioner's vendor for bare injunction not to evict him unlawfully. When the civil suit is pending in respect of the property in question, the petitioner's request for measuring the property is not acceptable. However, the second respondent is directed to dispose of the application of the petitioner, dated 13.10.2022 in the manner known to law.

6. This Writ Petition stands disposed of with the above direction. No costs.

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To

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V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
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