



W.P.(MD).No.26822 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26822 of 2022

V.Balagurusamy

... Petitioner

vs.

1.The Tahsildar,
Theni Taluk,
Theni District.

2.The Firka Surveyor,
Theni Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to survey, demarcate and determine the boundary of the petitioner's property to the extent of 68 cents vide join Patta No.7129 situated in S.No. 1405/3A1B, Veerapandi Village, Theni Taluk, Theni District, based on the petitioner's application, dated 29.11.2021 and 01.04.2022 within a specific period as fixed by this Court.



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For Petitioner : Mr.S.Balaji

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to survey, demarcate and determine the boundary of the petitioner's property to an extent of 68 cents vide join Patta No.7129 situated in S.No.1405/3A1B, Veerapandi Village, Theni Taluk, Theni District, based on the petitioner's application, dated 29.11.2021 and 01.04.2022.

2. The case of the petitioner is that originally on 22.04.2016, the petitioner along with four others have jointly purchased the land measuring to an extent of 68 cents out of 1 acre and 16 cents situated in S.No.1405/3A1B, Veerapandi Village, Theni District. Thereafter, in order to demarcate and marking the boundary of his property, on 29.11.2021 and 01.04.2022, the petitioner rushed up to the first respondent in person and made a requisition. He was also remitted a sum of Rs.800/- on



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01.04.2022. But the respondents have not considered for inspecting the property. Hence, the petitioner has filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

4. On perusal of the records, it is seen that already one P.Thangaiah has filed a writ petition in W.P.(MD).No.22677 of 2019 against the petitioner and 18 private respondents and in the order dated 26.11.2019 in W.M.P.(MD).No.19430 of 2019, it has been stated that interim order will continue to operate until further orders however subject to a rider that writ petitioner also shall not alienated deal with in any manner or seek for mutation of revenue entries qua the property which is subject matter of impugned order. The said P.Thangaiah has also filed another writ petition in W.P.(MD).No.22677 of 2019 and in the order dated 06.12.2021, it has been stated that the fourth respondent is the brother of the third respondent. The present writ petitioner also filed a writ petition in W.P.(MD).No.11374 of 2022 and the same was withdrawn on



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19.07.2022. Further, the civil suit is also pending before the Sub Court, Theni in O.S.No.92 of 2018 and one S.Ramachandran has made an objection to the survey notice issued on the representation made by the petitioner and four others. In these circumstances, the prayer sought for by the petitioner cannot be granted. Hence, this Writ Petition is dismissed. No costs.

29.11.2022

Index:Yes/No
Internet:Yes/No

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To

- 1.The Tahsildar,
Theni Taluk,
Theni District.
- 2.The Firka Surveyor,
Theni Taluk,
Theni District.



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V.BHAVANI SUBBAROYAN,J.

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