



W.P.(MD)No.26444 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26444 of 2022

P.K.Pandian

.. Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

3.The Inspector of Police,
Boodinayakkanur Rural Police Station,
Theni District.

4.Gopalakrishnan

5.Potthukalai

6.Perumal

7.Manikandan

8.Aalappan

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent herein to survey and demarcate my land in survey No.338/3B in Patta No.2694 in an extent of 1.70 ½ acres (69 ares) situated at Pottipuram Village, Uthamapalayam Taluk, Theni District based on the petitioner's application



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dated 12.08.2022 and consequently direct the third respondent to provide adequate police production during the time of survey and demarcate the petitioner's land.

For Petitioner : Mr.M.Maran
For R1 & R2 : Mr.D.Gandhiraj
Special Government Pleader
For R3 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to survey and demarcate the petitioner's land in survey No.338/3B in Patta No.2694 in an extent of 1.70 ½ acres (69 ares) situated at Pottipuram Village, Uthamapalayam Taluk, Theni District based on the petitioner's application, dated 12.08.2022 and consequently to direct the third respondent to provide adequate police production during the time of survey and demarcation of the petitioner's land.

2.Heard Mr.M.Maran, learned counsel for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 1 & 2 and Mr.B.Thanga Aravindh, learned Government Advocate (Crl.Side), who takes notice for the third respondent. Considering the nature of order proposed to be passed in this writ petition, notice to the respondents 4



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to 8 is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the representation of the petitioner, dated 23.06.2021 seeking to survey and demarcate his property, has not been considered by the official respondents.

4. The learned counsel for the petitioner submitted that the petitioner had purchased the land in Survey No.338/3B in Patta No.2694 to an extent of 1.70 ½ acres (69 ares) situated at Pottipuram Village, Uthamapalayam Taluk, Theni District. The respondents 4 to 8 caused disturbance to the petitioner. Hence, the petitioner made an application through online seeking to survey and demarcate his property. Based on the same, when the survey was going to be conducted, the private respondents herein made trouble to survey the land. Hence, the petitioner made an appeal before the first respondent. When, for the second time, the Surveyor tried to survey the land, the private respondents herein prevented the officials from surveying the land and caused disturbances. The petitioner also made a criminal complaint against the private respondents before the third respondent. He has also filed a civil suit in O.S.No.106 of 2022 before the District Munsif Court, Uthamapalayam and the same is pending. Even then, the private respondents are causing much



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trouble to the petitioner. Hence, the petitioner made an another application through online on 12.08.2022 to survey and demarcate the property. The same has not been considered so far. Hence, the petitioner has filed the present writ petition.

5.The learned Special Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that the petitioner has filed a suit before the civil Court as it is a civil dispute between the parties. Accordingly, the petitioner filed a suit in O.S.No.106 of 2022 and he has also filed an interlocutory application seeking to appoint an Advocate Commissioner to measure his land. The said application is pending for consideration before the Court concerned. Even before the disposal of the said application, the petitioner has filed the present writ petition with the same relief.

6. On going through the materials available on record, it is seen that an interlocutory application for the same relief has been filed by the petitioner before the trial Court and the same is pending for consideration. Apart from the same, by invoking of power of this Court under Article 226 of the Constitution of India, the petitioner is attempting to maintain parallel proceedings, which is to be deprecated. The sole remedy for the concerned



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parties to have their grievances once and for all finally resolved, in the pending civil proceedings. In that view of the matter, I do not think that the petitioner has made out a case warranting interference of this Court under Article 226 of the Constitution of India.

7. For the forgoing reasons, this writ petition is dismissed. No costs.

23.11.2022

Index : Yes/No
Internet : Yes/No
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- 2.The Tahsildar,
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Uthamapalayam,
Theni District.
- 3.The Inspector of Police,
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V.BHAVANI SUBBAROYAN, J.

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