



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1256 of 2017

and

W.M.P.(MD)No.1047 of 2017

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Visvas Promotors Private Limited,
Represented by its Managing Director,
S.Seetharaman,
No.84, T.P.K.Road,
Andalpuram, Madurai-625 003.

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Thasildhar,
Vadipatti Taluk Office,
Vadipatti,
Madurai District.

3.Thavamani

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to directing the respondents to make survey of the lands in respect of the petitioner's land in Survey No.524/3B, 524/4, 524/5, 524/6, at Thanichiyam, Vadipatti Taluk, Madurai District within the limits of Madurai District by issuing the survey report and presenting themselves for demarcation of line of Athumal enabling the petitioner to lay stone pillars (குத்துக்கால்) on the correct survey line of Athumal within the period that may be stipulated by this Court.

For Petitioner

: Mr.B.A.Muruganantham

For R1 & R2

: Mr.M.Prakash

Additional Government Pleader

For R3

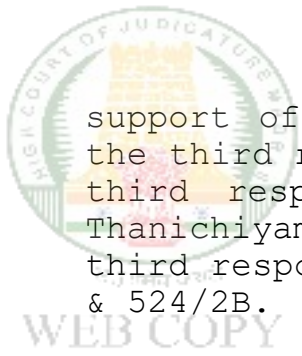
: Mr.S.Chandrasekaran

O R D E R

Heard the learned counsel on either side.

2. The petitioner wants survey to be done for the petition mentioned lands.

3. The learned counsel appearing for the 3rd respondent on the last occasion submitted that there is a civil dispute between the two. I called upon the third respondent to produce the documents in



support of their claim. Today, the learned counsel appearing for the third respondent filed a type set of papers. It is seen that the third respondent Thavamani is having patta Nos.2304 & 2539 in Thanichiyam Revenue Village, Vadipatti Taluk. It is seen that the third respondent is having patta over the survey Nos.275/8A2, 524/2A & 524/2B.

4. The petitioner's counsel makes it very clear that the petitioner has no claim whatsoever on the said survey numbers. The petitioner is having claim only over the survey Nos.524/3B, 524/4, 524/5, 524/6 & 524/7.

5. Since the property on which the petitioner lays claim and the property on which the third respondent lays claim are distinct, there cannot be any opposition to the petitioner's prayer for making survey of the lands in question. The second respondent is directed to conduct survey of the petition mentioned lands and after issuing notice to the third respondent and the Public Work Department and after effecting measurements, issue survey report to both parties.

6. The petitioner's counsel wants this Court to also issue an order of police protection. However, the learned counsel appearing for the third respondent states that there will not be any occasion for controversy. If any such issue arises, it is also open to the revenue authority to take help of the local police.

7. The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Madurai District,
Madurai.

2.The Thasildhar,
Vadipatti Taluk Office,
Vadipatti,
Madurai District.



+1 CC to M/s.B.A. MURUGANANTHAM, Advocate (SR-26870[F]
dated 20/06/2022)

+1 CC to M/s.SPL.GP (SR-27154[F] dated 21/06/2022)

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W.P. (MD)No.1256 of 2017

and

W.M.P. (MD)No.1047 of 2017

SRK(CO)

KB(05.07.2022) 3P 5C