



WEB COPY



W.P.No.4081 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4081 of 2023

J.Meikandadevan

... Petitioner

Vs.

1. Tahsildhar,
Mannargudi Taluk,
Thiruvarur District.

2. Superintendent of Police,
Mannargudi Taluk,
Thiruvarur District.

3. The Surveyor,
Office of the Tahsildhar,
Mannargudi Taluk,
Thiruvarur District.

4. G.Baskaran

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 3rd respondent to measure the land of the petitioner measuring to an extent of 0.64.00 Ares in Survey No. 244-5 0.19.00 Ares in Survey No. 225-1A 0.78.50 Ares in Survey No. 225-1B 0.42.50 Ares in Survey No. 225-2 totaling 2.04.00



W.P.No.4081 of 2023

Ares in various above mentioned survey numbers, Buthagaram Village, Mannargudi Taluk, Thiruvarur District by earmarking the four boundaries with the assistance of the police, within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.N.Senthil Kumar

For Respondents :
(for R1 to R3) : Mr.D.Ravichander, Spl.G.P.
(for R4) : Mr.L.Chandra Kumar

ORDER

The relief sought in the present writ petition is to direct the 3rd respondent to measure the land of the petitioner measuring to an extent of 0.64.00 Ares in Survey No. 244-5, 0.19.00 Ares in Survey No. 225-1A, 0.78.50 Ares in Survey No. 225-1B, 0.42.50 Ares in Survey No. 225-2, totaling 2.04.00 Ares in various above mentioned survey numbers, Buthagaram Village, Mannargudi Taluk, Thiruvarur District by earmarking the four boundaries with the assistance of the police, within a time frame that may be fixed by this Hon'ble Court.

2.The learned counsel for the petitioner states that the 4th respondent is illegally claiming certain rights over the subject property.



W.P.No.4081 of 2023

The petitioner states that he is the absolute owner of the property and submitted an application to survey the land and fix boundaries.

3.The learned counsel appearing on behalf of the 4th respondent made submission that a Civil Suit has already been instituted in O.S.No.33 of 2022 wherein an Interlocutory Application has also been filed to implead the writ petitioner. The impleading petition is pending.

4.The learned Special Government Pleader appearing on behalf of the respondents 1, 2, 3, relying on the counter affidavit filed by the Tahsildar, made a submission that the 4th respondent has raised valid objection for the measurement of the disputed properties. It was brought to the notice of the Tahsildar that there is already one sale agreement between the 4th respondent and the original owner dated 01.04.2022 but the original owner executed the sale deed with the petitioner. The 4th respondent is claiming right over the subject property based on the sale agreement entered by him with the original owner. Thus, there is a dispute in respect of claiming rights over the property and such disputed issues cannot be adjudicated in a writ proceeding.



W.P.No.4081 of 2023

5. Since the suit has already been instituted, the parties are at liberty to adjudicate all the issues before the competent Civil Court of law. The surveyors cannot adjudicate such disputes nor take a decision merely based on the documents produced by the petitioner and the 4th respondent.

6. Accordingly, the writ petition stands **disposed of**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

28.06.2023

To

1. Tahsildhar,
Mannargudi Taluk,
Thiruvarur District.
2. Superintendent of Police,
Mannargudi Taluk,
Thiruvarur District.
3. The Surveyor,
Office of the Tahsildhar,
Mannargudi Taluk,
Thiruvarur District.



WEB COPY



W.P.No.4081 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.4081 of 2023

28.06.2023