



Writ Petition No.30420 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.30420 of 2015
and M.P.Nos.1 and 2 of 2015

P.Muthusamy

... Petitioner

-Vs-

1. The Sub Collector/Revenue Divisional Officer,
Mettur Revenue Division,
Mettur Dam, Salem District.
2. The Tahsildar,
Omalur Taluk, Omalur,
Salem District.
3. The Taluk Head Surveyor,
Omalur Taluk, Omalur,
Salem District.
4. The Taluk Deputy Inspector,
Omalur Taluk, Omalur,
Salem District.
5. Pachamuthu @ Dhanapal
6. The Sub Inspector of Police,
Tharamangalam Police Station,
Tharamangalam,
Omalur Taluk, Salem District.

... Respondents



Writ Petition No.30420 of 2015

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of impugned orders passed by the 2nd respondent dated 28.08.2015 vide Vatta F.L/540/15(D) and its consequential memo of the 4th respondent Vatta Office No.FL/232/15 dated 18.09.2015 (served on 22.09.2015) and quash the same, consequently, forbear the respondents and their subordinates from interfering in any manner into the property and temple disputes in respect of S.No.4/5 of Sikkampatti Village, Omalur Taluk, Salem District.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.D.Ravichander
Special Government Pleader [R1
to R4]
Mr.M.Pugazhendhi [R5]

ORDER

The notice issued by the Tahsildar, Omalur to conduct survey in respect of the subject property is under challenge in the present writ petition.

2. The impugned notice dated 28.08.2015 states that actions are initiated to conduct survey in respect of the subject land belonging to the petitioner and the petitioner was asked to appear before the Tahsildar along with the documents.



3. The learned counsel appearing for the petitioner made a submission that the 5th respondent earlier filed a writ petition in W.P.No.29753 of 2014 and this Court passed an order on 24.03.2015 relegating the parties to approach the Civil Court of law for resolving the issues. Accordingly, both the petitioner and the 5th respondent filed Civil suits in O.S.No.179 of 2013 and O.S.No.15 of 2014 respectively. Both the suits are pending before the District Munsif Court, Omalur.

4. When the civil suits between the parties are pending before the competent Court, they are at liberty to defend their case and establish their rights in the manner known to law. In the event of allowing the Tahsildar to conduct survey during the pendency of the suit, the same may cause prejudice to either of the parties and even for measuring the land, the parties may approach the Civil Court by filing an interlocutory application or otherwise under the Code of Civil Procedure, 1908.

5. This being the factum, the impugned order passed by the second and fourth respondent on 28.08.2015 and on 18.09.2015 are quashed.



WEB COPY



Writ Petition No.30420 of 2015

S.M.SUBRAMANIAM, J.

mp

Accordingly, this writ petition stands allowed. No costs. Connected miscellaneous petitions are closed.

06.06.2023

Index : Yes

Speaking order: Yes/No

Neutral Citation: Yes/No

mp

To

1. The Sub Collector/Revenue Divisional Officer,
Mettur Revenue Division,
Mettur Dam, Salem District.
2. The Tahsildar,
Omalur Taluk, Omalur,
Salem District.
3. The Taluk Head Surveyor,
Omalur Taluk, Omalur,
Salem District.
4. The Taluk Deputy Inspector,
Omalur Taluk, Omalur,
Salem District. 6. The Sub Inspector of Police,
Tharamangalam Police Station,
Tharamangalam,
Omalur Taluk, Salem District.

Writ Petition No30420 of 2015