



W.P.No.8866 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8866 of 2023

and

W.M.P.Nos.9027 & 9028 of 2023

K.Shanmukhasundaram

... Petitioner

Vs.

1. The Tahsildar
Kinathukadavur Taluk,
Coimbatore.

2. V.S. Saba Ramesh

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for records pertaining to the impugned order dated 14.03.2023 vide Na.Ka. 4596/2022/S2 issued by the 1st Respondent and quash the same as illegal unconstitutional.

For Petitioner : Mr.C.Iyyapparaj

For Respondents :
(for R1) : Mr.D.Ravichander, Spl.G.P.
(for R2) : Mr.P.Saravana Sowmiyan



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ORDER

The writ petition has been instituted questioning the validity of the notice issued by the Tahsildar in Proceeding dated 14.03.2023. The impugned Notice was issued to survey the subject property which is disputed between the writ petitioner and the second respondent.

2.The learned counsel appearing on behalf of the second respondent made a submission that the application submitted by the second respondent to conduct survey and fix boundaries becomes infructuous and he is withdrawing the said application submitted before the Tahsildar.

3.On the basis of the said application submitted by the second respondent, the present impugned notice has been issued. When the second respondent himself has decided to withdraw the application, the impugned notice also lapses automatically and cannot be acted upon.

4.An appeal suit in A.S.No.111/2018 is pending between the petitioner and the second respondent. During the pendency of the Civil Suit or Appeal Suit, the Revenue authorities need not conduct survey or fix



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boundary under the Survey and Boundaries Act. The parties are at liberty to adjudicate all the issues before the Civil Court including the dispute regarding boundaries etc.

5.In view of the fact that the second respondent has stated that the application itself has been withdrawn, the impugned order cannot be acted upon by the authorities. Accordingly, the order impugned passed by the first respondent in proceeding number Na.Ka.4596/2022/S2, dated 14.03.2023 is quashed and the parties are at liberty to resolve the issues before the competent Civil Court.

6.The learned counsel for the second respondent states that the survey, in respect of the property, has already been completed through Court and therefore, he has chosen to withdraw the application.

7.Thus, the impugned order need not be acted upon with the above order.



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8. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

03.07.2023

To

The Tahsildar
Kinathukadavur Taluk,
Coimbatore.



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S.M.SUBRAMANIAM. J.,

(sha)

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