



W.P.No.11783 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.11783 of 2023

M.Kasilingam

...Petitioner

-Vs-

1. The District Revenue Officer,
Kallakuruchi,
Kallakuruchi District,PIN-606202.

2.The Revenue Divisional Officer,
Kallakuruchi,
Kallakuruchi District,PIN-606202.

3.The Tahsildar
Kallakuruchi Taluka,
Kallakuruchi District,PIN-606202.

4.M.Periyasamy

...Respondents

Prayer:- Writ petition filed under Article 227 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st to 3rd Respondents to consider petitioners Representation dated 05.04.2023 prior to taking steps for measuring the Survey No. 157/5B1(Extent of 0.40.00 Ares) situated at Neelamangalam Village, Kallakuruchi Taluka, Kallakuruchi District.



W.P.No.11783 of 2023

For Petitioner : Mr.C.Prabhu
For Respondents :
(for R1 to R3) : Mr.T.Arun Kumar, AGP
(for R4) : Mr.C.R.Gobinath

ORDER

The writ petition is filed to direct the respondents 1 to 3 to consider the petitioner's representation dated 05.04.2023 before taking steps to measure the Survey No.157/5B1 situated Neelamangalam Village, Kallakuruchi Taluka, Kallakuruchi District.

2.The grievances of the writ petitioner is that the 4th respondent earlier filed a writ petition in WP.No.32909 of 2022 and this Court issued an order of direction, directing the authorities to consider the representation. In view of the said direction, the objections submitted by the writ petitioner, not to survey land on the ground that the civil suit is pending between the parties was not considered and therefore, the writ petitioner has filed the present writ petition to consider his representation.

3.The learned counsel for the petitioner made a submission that the 4th respondent had suppressed the fact regarding the pendency of the civil



W.P.No.11783 of 2023

suit in the writ petition filed by him in WP.No.32909 of 2022 and obtained orders.

4.A general direction to dispose of the representation in the present case caused certain prejudice to the writ petitioner, since the 4th respondent suppressed the fact regarding the pendency of a civil suit before the Civil Court of law. That exactly is the reason why the Hon'ble Supreme Court of India repeatedly held that such directions if issued would do no service to the cause of justice. It is always preferable to decide the issues on merits instead of directing the authorities to consider the representation which would further pave way for certain illegal activities or corrupt practices.

5.In the present case, the 4th respondent suppressed the fact regarding the pendency of the civil suit on O.S.No.51 of 2020. By taking advantage of the order issued in the writ petition, he insisted the authorities to survey the land. Thus, the writ petitioner is constrained to move the present writ petition.

6.Taking note of the facts and circumstances, the respondents 1 to 3 are restrained from surveying the subject property until the civil dispute



W.P.No.11783 of 2023

between the parties reached finality. If at all, the parties want to measure the land, they are at liberty to file an appropriate interlocutory application or otherwise in the pending civil suit under the provisions of the code of civil procedure.

7. Accordingly, the writ petition stands **allowed**. No costs.

(sha)

27.04.2023

Index : Yes

Speaking Order

Neutral Citation : Yes

To

1. The District Revenue Officer,
Kallakuruchi,
Kallakuruchi District,
PIN-606202.
2. The Revenue Divisional Officer,
Kallakuruchi,
Kallakuruchi District,
PIN-606202.
3. The Tahsildar
Kallakuruchi Taluka,
Kallakuruchi District,
PIN-606202.



WEB COPY



W.P.No.11783 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.11783 of 2023

27.04.2023