



W.P.No.30793 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30793 of 2023

R.Balakrishnan

... Petitioner

versus

1.The District Collector,
Coimbatore -641 018.

2.The Revenue Divisional Officer,
Coimbatore - 641 018.

3.The Thasildar,
Coimbatore North,
Balasunder Road.

4.Selvamani

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the third respondent to measure the property situated in Coimbatore District Kalapathi Village S.F.No.720/29 after correctly identifying the property.

Pg.Nos.1/6



W.P.No.30793 of 2023

For Petitioner : Mr.C.Deivasigamani

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

Mr.V.Veluchamy, learned Additional Government Pleader takes notice for respondents 1 to 3. Since no adverse order is passed as against the fourth respondent, notice to the fourth respondent is dispensed with.

2. This writ petition has been filed seeking for issuance of a writ of mandamus directing the third respondent to measure the property situated in S.F.No.720/29, situated at Kalapathi Village, Coimbatore District, after correctly identifying the property.

3. The case of the petitioner is that the property in S.F.No.720/29 in Kalapathi Village, Coimbatore District, has been originally purchased by one K.Rangasamy Konar, who is the father of the petitioner herein from one Kaliappan Konar, by way of registered sale deed in Doc.No.4304 of 1951 dated 14.11.1951. One Maragadham is the wife and Velumani, Saradha,

Pg.Nos.2/6



W.P.No.30793 of 2023

Janaki and Balakumari are the daughters of the said Rangasamy Konar.

After the demise of Maragadham, the said Velumani, Saradhamani and R.Janaki sold their respective shares in the subject property to the petitioner, as per the sale deed dated 04.03.1999, vide Doc.No.704/1998, and since then, he is the absolute owner of the property. The petitioner intended to measure the property and hence, he filed a petition before the first respondent to measure the property. As the first respondent has not given any instructions to the third respondent to measure the property, he replied that the fourth respondent, who is the neighbour of the petitioner, has made objections to measure the property, on the ground that she has filed O.S.No.1166/2021 in I.A.No.3/2023 and the same is pending before the Principal District Munsif, Coimbatore. Despite representation to respondents 1 and 2, they have not given any direction to the third respondent to measure the property. Hence, the petitioner is before this Court.

4. On a perusal of the records, it is seen that, the issue raised in the writ petition is pending before the Civil Court and already the fourth respondent and another, filed the application in I.A.No.3 of 2023 in



W.P.No.30793 of 2023

O.S.No.1166 of 2021 before the Principal District Munsif Court, Coimbatore, to note down the physical features and also measure the property, in which, the writ petitioner objected the same. The fourth respondent contested the same. Since the civil suit is pending, it is for the petitioner to work out his remedy before the Civil Court.

5. In view of the above facts and circumstances, this writ petition is dismissed in-limine. There shall be no order as to costs.

31.10.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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W.P.No.30793 of 2023

P.VELMURUGAN, J.

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W.P.No.30793 of 2023

31.10.2023

Pg.Nos.6/6