



WEB COPY

W.P.No.33192 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33192 of 2017

and

W.M.P.Nos.36606 & 36607 of 2017

R.S.Amaralingam

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The District Revenue Officer,
Coimbatore,
Coimbatore District.

3.The Assistant Director of Survey,
Land Survey Records Department,
Collectorate, Coimbatore,
Coimbatore District.

4.The Sub Collector,
Pollachi,
Coimbatore District.

5.The Tahsildar,
Pollachi Taluk, Pollachi,
Coimbatore District.

6.Arun

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 5th respondent in his proceedings Na.Ka.S2/9391/2016, dated 11.04.2017 and quash the same and consequently directing the respondents 1to 5 to measure the petitioner's land situated in S.No.171/2-B, Thimmankuthu Village, Pollachi Taluk, Coimbatore District by taking note of the registered partitioned deed dated 17.01.1969 and Civil Court Decree passed in O.S.No.236 of 2008, dated 25.06.2015 on the file of the District Munsif Court, Pollachi, Coimbatore District and correct the total extent of the petitioner's land situated in S.No.171/2-B, Thimmankuthu Village, Pollachi Taluk, Coimbatore District in all revenue records and UDR scheme records.

For Petitioner	: Mrs.R.Hemalatha For Mr.C.Prakasam
For R1 to R5	: Mr.T.Venkatesh Kumar Special Government Pleader
For R6	: Mr.R.Nandha kumar

ORDER

The order impugned dated 11.04.2017 issued by the Tahsildar, rejecting the request of the petitioner to survey the land under the provisions of the Tamil Nadu Survey and Boundaries Act, 1923 is under challenge in the



present writ petition.

2. Admittedly, a Civil Suit was instituted in O.S.No.236 of 2008, which was decreed in favour of the petitioner.

3. The learned counsel for the 6th respondent made a submission that against the judgment and decree passed in the Original Suit, an Appeal Suit was filed, which is pending on the file of the Sub Court, Pollachi.

4. Since the Appeal Suit is pending, the authorities competent cannot entertain an application to conduct survey in respect of the disputed property. Whenever, a civil suit has been instituted between the parties, the parties are at liberty to file an appropriate application before the Competent Civil Court even for measuring the property or otherwise.

5. When such reliefs are permissible under the Civil Procedure Code, the authorities competent cannot conduct survey in respect of such disputed property. Therefore, the petitioner is at liberty to redress his grievances in the manner known to law and through the Competent Civil Court of Law.



6. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes

Neutral Citation : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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