



W.A.No.3507 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.3507 of 2023

Ramasamy

.. Appellant

Vs.

1. M.Chellamuthu

2. The District Collector
Office of the Collectorate
Salem District.

3. The Tahsildar
Office of the Tahsildar
Thalaivasal Taluk
Salem District.

4. The Head Surveyor
Office of the Tahsildar
Thalaivasal Taluk
Salem District.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 23.09.2022 made in W.P.No.25606 of 2022.



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For the Appellant : Mr.D.Shivakumaran
For Mr.S.Mayilnathan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 2 to 4

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The present appeal is filed against the order dated 23.09.2022 in W.P.No.25606 of 2022.

2. The present appellant is not a party to W.P.No.25606 of 2022. In the said writ petition, the learned Single Judge, under order dated 23.09.2022, directed the respondents 2 and 3 herein to consider the representation dated 28.03.2022 of the first respondent herein and to take necessary steps to survey the property and fix the boundaries, after affording opportunity to the first respondent herein as well as the counter parties, if any, on merits and in accordance with law. Learned Single Judge has further observed that he has not gone into the merits of the case.



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3. Learned counsel for the appellant submits that the appellant is concerned with the writ property. A civil suit is filed by the appellant herein for declaration of title with consequential relief and the same is pending. The said fact is suppressed by the original writ petitioner in the writ petition.

4. We would have certainly considered the contention of the appellant. However, learned State Government Pleader submits that the order of the learned Single Judge impugned in the writ petition is already implemented inasmuch as the property has already been surveyed after giving opportunity to the present appellant as well as the original writ petitioner/first respondent herein.

5. It is trite that the issue of title can be decided by the civil Court. The challenge is with regard to the boundaries. The same is also the subject matter of the pending civil suit. If the appellant is aggrieved by the measurement, the relevant statute provides for an appeal against the same. The aggrieved party can also file an appeal



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and take necessary steps in the pending civil suit.

6. In view of the fact that the order of the learned Single Judge was implemented, we are not passing any further order in the appeal. The writ appeal, as such, stands disposed of. There will be no order as to costs. Consequently, C.M.P.No.28671 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)
15.12.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

(kpl)

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