



WP(MD)No.916 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.10.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.916 of 2021

and

W.M.P.(MD)No.770 of 2021

Sivasubramanian

...Petitioner

/Vs./

- 1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli City,
Tirunelveli District.
- 2.The Assistant Commissioner,
Tirunelveli Corporation,
Thachanallur Zone,
Tirunelveli City,
Tirunelveli District.
- 3.The District Surveyor,
Tirunelveli Corporation,
Tirunelveli City,
Thachanallur Zone,
Tirunelveli District.
- 4.Kanniayan
- 5.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City,
Tirunelveli District.

...Respondents



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PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to survey the petitioner's land in T.S.No.76/2 and 76/1 in Ward No.J, North Street, Mahalingapuram, Sindhupoondurai Village Tirunelveli Junction, Tirunelveli Corporation, Tirunelveli City, Tirunelveli District, on the basis of the petitioner's petition dated 09.12.2020 and Receipt Nos.146/1/20-21/0005452 and 146/1/20-21/0005453 both dated 05.11.2020 within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishuavarthanan

For Respondents : Mr.Aayiram K.Selvakumar (R1 to R3)

Mr.H.Arumugam (R4)

Mr.R.Sivakumar (R5)

Government Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents 1 to 3 to survey the subject property based on the representation made by the petitioner on 09.12.2020.

2. When the matter was taken up for hearing, it was brought to the notice of this Court that subsequent to the filing of the writ petition, the petitioner had filed a suit in O.S.No.111 of 2021 before the Sub Court, Tirunelveli seeking for



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the relief of declaration and permanent injunction. In the suit, an application was filed for appointment of an Advocate Commissioner. This application was ordered and the Advocate Commissioner had also surveyed the property and submitted a report before the civil Court.

3. In view of the above development, it is left open to the parties to workout their remedy before the civil Court, where the suit is pending. No further orders are required to be passed in this writ petition.

4. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

10.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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TO:-

1. The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City,
Tirunelveli District.



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.916 of 2021

Dated:
10.10.2023