



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1975 of 2023

P.Rajendran

... Petitioner

Vs.

1. The Tahsildar,
Sankarankovil Taluk,
Sankarankovil, Tenkasi District.

2. The Firka Surveyor,
O/o.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tenkasi District.

3. M.Medayandi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 and 2 not to survey the vacant site/mandhai situated in Natham Survey No. 450/7 (Old Survey No. 192/17), 444/17, 444/18, 444/19 (Old Survey No. 192/15) and 444/11(Old Survey No. 192/8) of Varagunaramapuram Area, Perumalpatti Village, Sankarankovil Taluk, Tenkasi District, till disposal of the O.S.No. 92 of 2022 on the file of the learned Principal District Munsif, Sankarankovil, based on the petitioner's representation dated 21.08.2021 and petitioner legal notice dated 05.04.2022.



For Petitioner : Mr.K.Sankar

For R-1 & R-2 : Mr.M.Siddharthan,
Additional Government Pleader.

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

2. Notice need not be issued to the private respondent.

3. The prayer in the writ petition is not maintainable since the final relief sought for in the suit is in the nature of interim relief. It has been so held by the Hon'ble Supreme Court of India in the decision reported in **1952 AIR 12 (The State Of Orissa Vs. Madan Gopal Rungta)**.

4. The petitioner can very well offer his objections before the survey authority and the survey authority is obliged to consider the same and pass a speaking order before



conducting survey. The petitioner can also seek interim relief in the pending suit. The learned counsel appearing for the petitioner states that the petitioner has already filed I.A.No.2 of 2022 in O.S.No.92 of 2022 on the file of the Principal District Munsif, Sankarankovil. The learned trial Munsif is directed to dispose of the I.A. on merits and in accordance with law as expeditiously as possible. The petitioner's rights are left intact.

5. I make it clear that I have not gone into the merits of the matter. The petitioner can work out his rights in the pending suit. With this liberty to the petitioner and the direction to the learned trial Munsif, this writ petition stands dismissed. No costs.

02.02.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



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To:

1. The Tahsildar,
Sankarankovil Taluk,
Sankarankovil, Tenkasi District.
2. The Firka Surveyor,
O/o.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tenkasi District.



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G.R.SWAMINATHAN,J.

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