



W.P(MD)No.5538 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5538 of 2023
and
W.M.P(MD) No.5165 of 2023

Ayyamperumal Nadar

... Petitioner

Vs.

- 1.The District Collector
Ramanathapuram District.
- 2.The District Revenue Officer
Ramanathapuram District.
- 3.The Tahsildar
Keelakarai Taluk Office,
Ramanathapuram District.



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4.The Surveyor
Keelakarai Taluk Office,
Ramanathapuram District.

5.Santhi

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records pertaining to impugned in Na.Ka.No.S1/1107/23 dated 07.03.2023 passed by the third respondent herein and quash the same as illegal and consequently, direct the respondents 1 to 4 herein to forbear from surveying or making any revenue changes in the S.Nos.46-7 and 46/3A1C of Periyapattinam Group and Village of Keelakarai Taluk, measuring 1 Acre 32 cents vide a registered sale deed in the year of 1973.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.N.Muthu Vijayan - for R1 to R4
Special Government Pleader
: Mr.S.A.Ajmal Khan - for R5



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ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with a notice dated 07.03.2023 in Na.Ka.No.S1/1107/23 passed by the third respondent/Tahsildar, Keelakarai Taluk Office, Ramanathapuram District, and to restrain the respondents 1 to 4, from surveying or making any revenue changes in S.Nos.46-7 and 46/3A1C of Periyapattinam Group and Village of Keelakarai Taluk, measuring 1 acre 32 cents.

2. The impugned order had been issued by the third respondent, consequent to a direction, dated 09.01.2023 in W.P.(MD) No.453 of 2023 which had been filed by the fifth respondent herein. The fifth respondent had filed the said writ petition against the Tahsildar, Taluk Office, Keelakarai, and the Surveyor of the same Tahsildar Officer both at Ramanathapuram District, seeking a Mandamus, directing the said respondents to divide the property at Survey Nos.46-7 and 46/3A1B1 in Periyapattinam Group and Village, Keelakarai Taluk, Ramanathapuram District.



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3. A learned Single Judge of this Court, had even at the time of admission by an order, dated 09.01.2023, directed that survey should be done after enquiry and if there are objections, then the Surveyor should call upon the applicant to move the jurisdictional Civil Court for agitating his rights. Consequent to that particular order of the learned Single Judge, the third respondent herein had issued the notice which is complained of in this present Writ Petition.

4. The learned Special Government Pleader who appeared for respondents 1 to 4 had forwarded instructions from the fourth respondent / Surveyor, Keelakarai Taluk Office, Ramanathapuram District, who had stated that when he tried to survey the aforementioned lands consequent to the direction in W.P.(MD) No.453 of 2023 the petitioner herein and the fifth respondent herein had started quarreling and therefore, survey could not be done.

5. Even in the earlier order which is relied on by the fifth respondent, the learned Single Judge had stated that if survey could not be done, the parties should agitate their rights only before the Civil



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Court. That direction still holds. The direction has to be followed not only by the petitioner herein but also by fifth respondent herein and particularly, by the fifth respondent since, she had filed the writ Petition.

6. In view of the aforementioned facts, the Writ Petition stands dismissed and a direction is issued to both the petitioner and the fifth respondent to settle their dispute before the jurisdictional Civil Court as directed by the learned Single Judge in W.P.(MD) No.453 of 2023. It is clarified that the third respondent /Tahsildar, Keelakarai Taluk Office, has to issue necessary proceedings in compliance of the order, dated 09.01.2023 in W.P.(MD) No.453 of 2023 and should call upon both the petitioner herein and the fifth respondent to agitate their respective rights before the jurisdictional Civil Court in accordance with the directions already issued. No costs. Consequently, connected miscellaneous petition is closed.

21.04.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
RM



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To

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C.V.KARTHIKEYAN, J.

RM

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