BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.6961 of 2023
and WMP(MD)No.6569 of 2023

K.Ragavan

... Petitioner

Vs

1. The District Collector,
   Pudukkottai District, Pudukkottai.

2. The Revenue Divisional Officer,
   Aranthangi, Pudukkottai District.

3. The Tahsildar,
   Aranthangi Taluk, Pudukkottai District.

4. The Firka Surveyor,
   Arasarkulam, Aranthangi Taluk,
   Pudukkottai District.

5. Jeyaraman

6. Boopathy

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 3

and 4 to conduct any survey in respect of survey no. 43/1 corresponding to New Survey no. 369/39 with an extent of 24 cents out of 58 cents of Arasarkulam West Village, Aranthangi Taluk, Pudukkottai till the disposal of the civil suit in O.S.No. 173/2022.

For Petitioner :Mr.R.Paranjothi

For R1 to R4 :Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The writ petition has been filed in the nature of mandamus, seeking restraint against the respondents 3 and 4/Tahsildar, Aranthangi Taluk, Firka Surveyor, Arasarkulam, Aranthangi Taluk, both in Pudukkottai District, not to conduct any survey in respect of S.No. 43/1 corresponding to new S.No. 369/39 with an extent of 24 cents out of 58 cents of Arasarkulam West Village, Aranthangi Taluk, Pudukkottai.

2.The petitioner claims that there is a civil suit in O.S.No. 173/2022, before the District Munsif Court, Aranthangi.

3.However, the learned Special Government Pleader had forwarded an order of a learned Single Judge, dated 03.03.2023 in WP(MD)No

14363 of 2022 filed by one K.Thiruneelakandan, wherein, with respect to very same survey number, the learned Judge had directed the Tahsildar, Aranthagi Taluk that survey is to be conducted on 27.03.2023 at 10.00 a.m. It is only consequential to that particular order, the respondents 3 and 4 had come over to the said property to conduct survey.

4.Therefore, the petitioner should abide by order of this Court and permit them to conduct survey. This Court cannot forbear the respondents from conducting survey in the teeth of earlier order of this Court in WP(MD)No.14363 of 2022. At the most the petitioner can only give his objection to survey. The survey must be done, in accordance with the order of this Court in WP(MD)No.14363 of 2022, dated 03.03.2023.

5.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.03.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No
PNM

To

1. The District Collector,
   Pudukkottai District, Pudukkottai.

2. The Revenue Divisional Officer,
   Aranthangi, Pudukkottai District.

3. The Tahsildar,
   Aranthangi Taluk, Pudukkottai District.

4. The Firka Surveyor,
   Arasarkulam, Aranthangi Taluk,
   Pudukkottai District.

C.V.KARTHIKEYAN,J.

PNM

ORDER IN
W.P(MD).No.6961 of 2023

30.03.2023