



WP(MD)No.12036 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.10.2023**

CORAM

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

W.P.(MD)No.12036 of 2021

S.Vellaichamy

...Petitioner

/Vs./

1.The Tahsildar,
Thiruvengadam Taluk,
Tenkasi District

2.The Taluk Surveyor,
Thiruvengadam Taluk,
Tenkasi District.

3.Madasamy

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the respondents 1 and 2 to survey and demarcate the petitioner's property in Survey Number 1075/5A measuring 25 cents situated in Kalingapatti Part I Village, Thiruvengadam Taluk, Tenkasi District within the time frame fixed by this Court.

For Petitioner	: Mr.J.Karthick
For R1 & R2	: Mr.B.Saravanan Additional Government Pleader
For R3	: Mr.M.Ramu



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ORDER

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This writ petition has been filed for issuance of writ of mandamus directing the first and second respondents to deal with the application submitted by the petitioner, wherein the petitioner is seeking for survey and demarcation of the subject property.

2. When this writ petition was filed, the affidavit that was filed in support of the writ petition does not contain any of the facts with respect to the previous litigations between the petitioner and the third respondent. The petitioner came up with an innocuous prayer before this Court as if an application has been submitted for survey and demarcation and the same is pending.

3. After the notice was issued, the third respondent has filed typed set of papers, which shows that there was already a dispute before the Civil Court, which came up to this Court in CRP(MD)No.120 of 2019, filed before this Court by the petitioner and two others and it came to be dismissed by order dated 12.04.2019. In view of the same, the conduct of the petitioner in not coming up with the entire facts, by itself disentitles the petitioner to seek for any remedy before this Court.



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4. When this Court expressed its mind that it is not inclined to grant the relief sought for in this writ petition, the learned counsel appearing for the petitioner submitted that already steps have been taken by the petitioner to file a comprehensive suit and that the petitioner will also workout his remedy in that suit.

5. In view of the above submission made by the learned counsel for the petitioner, it is left open to the petitioner to workout his remedy before the competent civil Court in accordance with law. No further orders can be passed in this writ petition.

6. This writ petition is disposed of. No costs.

19.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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N.ANAND VENKATESH, J.

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To

1.The Tahsildar,
Thiruvengadam Taluk,
Tenkasi District

2.The Taluk Surveyor,
Thiruvengadam Taluk,
Tenkasi District.

Order made in
W.P.(MD)No.12036 of 2021

Dated:
19.10.2023