



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Twenty First day of June Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

WMP(MD) No.11085 of 2023

IN

WP(MD)NO. 10621 of 2023

CHINNARAJU.M

... PETITIONER/PETITIONER

Vs

1 THE TAHSILDAR
THENI TALUK AND DISTRICT,
THENI.

2 THE FIRKA SURVEYOR
THENI TALUK AND DISTRICT,
THENI.

3 THE INSPECTOR OF POLICE
PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT. ...RESPONDENTS 1 TO 3/RESPONDENTS 1 TO 3

4 PALANICHAMY.M ...4th RESPONDENT/PROPOSED 4th RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to implead the proposed respondent as 4th Respondent in the above Writ Petition.

Prayer in WP(MD). 10621/ 2023 :

Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents 1 and 2 to conduct the Survey on the Petitioner`s land bearing Survey Nos. 730/2, 63/4 183/1D, 183/1H2 and 183/1G2 and situated in Kofuvilarpatti village, Theni District by considering the Challan No. 20230421004451, 20230421004585 and 20230421004723 within the time stipulate by this Honorable Court with the help of the 3rd Respondent.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.I.ROBERT CHANDRAKUMAR, Advocate for the petitioner, the court made the following order:-

<https://www.mca21.in/judiciary>



This petition had been filed to implead a respondent in the Writ Petition.

2.The proposed respondent is the defendant in a suit, which had been ended in a compromise between the Writ Petitioner and the proposed respondent. The Writ Petition has been filed seeking survey of the lands. But however, the proposed respondent had, after the suit had been compromised, filed an interlocutory application in I.A.No.5 of 2023 seeking appointment of Advocate Commissioner to conduct survey of the lands.

3.In view of that particular fact, this petition stands allowed. Necessary amendment may be carried out in the cause title to the Writ Petition.

4.It is complained by the learned Counsel for the Writ Petitioner that merely filing of an interlocutory application, has given a handle to the proposed respondent to prevent the official respondents from conducting survey of the lands.

5.A direction is given to the learned District Munsif, Theni, to take on file I.A.No.5 of 2023 in O.S.No.133 of 2022 and pass orders, without granting any unnecessary adjournment, within three adjournment dates. This is all the more required, since the suit itself had been decreed consequent to a compromise and thereafter, if the defendant files an application seeking survey, a quick decision should be taken by the learned District Munsif. Three adjournments are granted to the learned District Munsif to take an effective decision on the said interlocutory application. The learned District Munsif, Theni may ensure that not more than seven working days are granted in between two adjournments.

6.List the Writ Petition once again on 14.07.2023.

sd/-

21/06/2023

/ TRUE COPY /

/07/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR
TO

1 THE TAHSILDAR
THENI TALUK AND DISTRICT,
THENI.

2 THE FIRKA SURVEYOR
THENI TALUK AND DISTRICT,
THENI.



3 THE INSPECTOR OF POLICE
PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE DISTRICT MUNSIF, THENI

+1. C.C. to M/S.I.ROBERT CHANDRAKUMAR Advocate SR.No.9332(I)

ORDER
IN
WMP(MD) No.11085 of 2023
IN
WP(MD)NO. 10621 of 2023
Date :21/06/2023

PKP/SSS/SAR- /05.07.2023/ **3P/7C**