



W.P.(MD)No.15351 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15351 of 2021

A.Mokkasamy

... Petitioner

-VS-

- 1.The District Collector,
Theni, Theni District.
- 2.The District Revenue Officer,
Theni District, Theni.
- 3.The Assistant Director Survey,
Theni District.
- 4.The Tahsildar,
Theni Taluk, Theni District.
- 5.The Commissioner,
Theni Minicipality, Theni,
Theni District.
- 6.The Surveyor,
Theni Municipality,
Theni, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey the



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petitioner's land by fixing the boundary and to issue individual patta to petitioner's land situated in Allinagaram Revenue Village, Theni Municipality, Theni District, in Survey No.191, having extent of 4 Acres 58 cents in the light of the petitioner's representation dated 03.12.2020, within a stipulated time fixed by this Court.

For Petitioner : Mr.D.Durai Soalimalai
For R1 to R4 and R6 : Ms.S.Jeyapriya
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the official respondents to consider the representation made by the petitioner on 03.12.2020 and to carry out the survey and to fix the boundaries and to issue individual Patta in the name of the petitioner.

2. When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of the respondents 1 to 4 and 6 based on the instructions, submitted that a suit was instituted in O.S.No.50 of 2022, seeking for the relief of declaration and permanent injunction and this suit was decreed *ex parte* by judgment and decree, dated 24.07.2023, by the learned District Munsif, Theni. In view of the same, it was contended that there is no scope for the respondents to survey the subject property.



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3. In the light of the above development, the relief sought for by the petitioner cannot be granted by this Court and it is left open to the petitioner to work out his remedy in the manner known to law.

4. This Writ Petition is disposed of accordingly. No costs.

NCC : Yes/No
Index : Yes/No
smn2

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N.ANAND VENKATESH, J.

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