



W.P(MD)No.14148 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.14148 of 2023

Srinivasan

... Petitioner

Vs.

1.The Tahsildar,
Krishnarayapuram Taluk,
Karur District.

2.The Taluk Surveyor,
Krishnarayapuram Taluk,
Karur District.

3.Aandi

4.Muthuveeran

5.Nanthu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, thereby directing the 2nd to consider petitioner representation dated 14.03.2023 and to dispose the same in accordance with law within the stipulated time as fixed by this Court.



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For Petitioners : Mr.M.Saravanan
For R1 and R2 : Mr.D.Farjana Ghoushia
Special Government Pleader

ORDER

The writ petition has been filed in the nature of mandamus seeking a direction to the second respondent / Taluk Surveyor at Krishnarayapuram Taluk in Karur District, to consider a representation given on 14.03.2023 and dispose the same.

2. By the said representation, the petitioner sought survey of the lands at S.F.No.956/1, Krishnarayapuram Taluk, Mahadhanapuram South, which the petitioner had obtained through a partition deed registered as document No. 1688/2022 on the file of the Sub Registrar, Krishnarayapuram, Karur District. The petitioner also has joint patta in patta No.4654.

3. It is stated by the learned Special Government Pleader on instructions that on 23.02.2023, survey had been conducted but several persons who had encroached onto the lands of the petitioner and had raised objections. It had been stated that the statement of the petitioner had also been recorded and a



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report had also been given to the petitioner herein stating that survey cannot be conducted the survey, consequent to the objections raised and the issue can be better adjudicated only before the civil Court. The petitioner had also impleaded as respondents 3 to 5, those who have raised objections.

4. The relief sought by the petitioner cannot be granted. It would only be appropriate that the petitioner approaches the civil Court and through the Civil Court, taking advantage of the provisions available in the Code of Civil Procedure, for that particular purpose, identify the land of the petitioner. The writ petition therefore, stands dismissed, even without issuing notice to respondents 3 to 5 but granting liberty to the petitioner herein to approach the civil Court for necessary relief and for taking steps to protect possession in the manner known to law.

5. Though it is stated by the learned Special Governance Pleader that report had been forwarded to the petitioner, let a further copy of the said report along with the statement of the petitioner be furnished to the petitioner within a period of two weeks from the date of receipt of a copy of the order, so that the petitioner can take it up further in the manner known to law.



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

16.06.2023

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

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To

- 1.The Tahsildar, Krishnarayapuram Taluk, Karur District.
- 2.The Taluk Surveyor, Krishnarayapurm Taluk, Karur District.



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C.V.KARTHIKEYAN, J.

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