



W.P.(MD)No.18233 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18233 of 2021

A.Kumaresan

... Petitioner

-VS-

- 1.The District Collector,
Dindugul, Dindugul District.
- 2.The Revenue Divisional Officer,
Palani, Dindugul District.
- 3.The Additional Director of Survey,
Vedasandur, Dindigul District.
- 4.The Tahsildar,
Vedasandur, Dindugul District.
- 5.The Taluk Surveyor,
Thasildar Office, Vedasandur,
Dindugul District.
6. Ashok
Taluk Surveyor, Thasildar Office, Vedasandur,
Dindugul District.

7.Uma Rani

8.Karupiah

... Respondents

1/5



W.P.(MD)No.18233 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 15.06.2020 for removing the fence put by the 7th and 8th respondents in south north cart path way in Sy.No.215/3 in Koppampatti, Kollampatti Village, Vedachandur Taluk, Dindugul District, in pursuant to the unlawful survey conducted by the respondents 5 and 6 and to take departmental action against the respondents 5 and 6 for the unlawful survey conducted in the petitioner's family property.

For Petitioner	:	Ms.M.Maria Vinola
For R1 to R5	:	Mr.K.S.Selvaganesan Additional Government Pleader
For R6	:	No Appearance
For R7 and R8	:	Mrs.S.Prabha

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 4 to consider the representation made by the petitioner on 15.06.2020, wherein the petitioner has sought for removing the fencing that was put up by the respondents 7 and 8 pursuant to the survey that was conducted by the respondents 5 and 6.



W.P.(MD)No.18233 of 2021

2. Heard the learned counsel appearing for the parties.

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3. It is seen from the records that there is already a pending dispute between the petitioner and the respondents 7 and 8 in O.S.No.19 of 2019, on the file of the District Munsif Court, Vedasandur. According to the petitioner, the respondents 7 and 8 wanted to grab the property belonging to him and they made an application earlier for survey and at that point of time, the petitioner had also given his objections. However, all of a sudden, the respondents 7 and 8 managed to conduct a survey with the help of the sixth respondent and according to the petitioner, it is an illegal survey.

4. In the considered view of this Court, if the survey conducted by the Surveyor is illegal, the petitioner can file an appeal before the Revenue Divisional Officer, Palani/the second respondent herein and seek for the necessary relief. That apart, the substantial rights between the parties is now pending before the competent Civil Court. Under such circumstances, this Court cannot exercise its Writ jurisdiction and grant the relief as sought for by the petitioner. Except giving this clarity, no further orders can be passed in this Writ Petition.



W.P.(MD)No.18233 of 2021

5. This Writ Petition is disposed of in the above terms. No costs.

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NCC : Yes/No
Index : Yes/No
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To

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W.P.(MD)No.18233 of 2021

N.ANAND VENKATESH, J.

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W.P.(MD)No.18233 of 2021

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