



W.A(MD)No.1263 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A(MD)No.1263 of 2023

and

C.M.P(MD)No.9479 of 2023

K.Sanjeevinathan

... Appellant/Third Party

Vs.

1.V.Subramanian

...1st Respondent/Petitioner

2.The Tahsildar,
Taluk Office,
Singampunari Taluk,
Sivagangai District.

3.Firka Surveyor,
Taluk Office,
Singampunari Taluk,
Sivagangai District.

... Respondents 2 and 3/Respondents 1 and 2

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P(MD)No.9111 of 2022, dated 13.06.2022.

For Appellant

:Mr.M.Kannan

For R-1

:Mr.M.Subash Babu

For R-2 & R-3

:Mr.D.Sachi Kumar,
Additional Government Pleader



W.A(MD)No.1263 of 2023

JUDGMENT

WEB COPY (Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

Heard Mr.M.Kannan, learned counsel for the appellant, Mr.M.Subash Babu, learned counsel, who takes notice for the first respondent and Mr.D.Sachi Kumar, learned Additional Government Pleader, who takes notice for R-2 and R-3.

2. This writ appeal is directed as against the order of the learned Single Judge, dated 13.06.2022 made in the writ petition filed by the first respondent in W.P(MD)No.9111 of 2022.

3. The first respondent/writ petitioner has filed the writ petition seeking for issuance of a Writ of Mandamus to survey and demarcate the four boundaries of the writ petitioner's property comprised in S.No.95/13 E, measuring an extent of 0.19.70 Ares. According to the writ petitioner, the said property stands in the name of his father vide Patta No.537.

4. The learned Single Judge after recording the statement of the learned Additional Government Pleader to the effect that there is no objection for considering the writ petitioner's request, has allowed the writ petition.



W.A(MD)No.1263 of 2023

5. The appellant, who is a third party, has filed the above writ appeal after getting leave from this Court. It is the contention of the appellant that the writ petitioner failed to disclose that several persons have constructed houses in the property in Survey No.95/13E and that, a survey at the instance of the writ petitioner as if the whole property belongs to him will cause serious prejudice to the other parties. Since there is a rival claim, this Court finds that the contention of the writ petitioner lacks bonafides. Therefore, the order passed by the learned Single Judge is liable to be set aside.

6. Accordingly, this writ appeal is allowed and the order of the learned Single Judge, dated 13.06.2022 made in W.P(MD)No.9111 of 2022, is hereby set aside. However, it is open to the first respondent to establish his title or exclusive possession by approaching the civil Court. In case, the first respondent is able to establish his independent title on the basis of revenue records right from settlement, he may seek appropriate relief from the revenue officials for sub-divisions with the consent of all the other owners. No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
07.08.2023

Index : Yes / No
NCC : Yes/No
pm



W.A(MD)No.1263 of 2023

WEB COPY

To:

- 1.The Tahsildar,
Taluk Office,
Singampunari Taluk,
Sivagangai District.
- 2.Firka Surveyor,
Taluk Office,
Singampunari Taluk,
Sivagangai District.



WEB COPY



W.A(MD)No.1263 of 2023

S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

pm

W.A(MD)No.1263 of 2023

07.08.2023