



W.A(MD)No.1279 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.1279 of 2023

M.Radhakrishnan

... Petitioner/Appellant

Vs.

1.The District Collector,
Thoothukudi District.

2.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.

3.The Head Surveyor,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P(MD)No.11795 of 2022 dated 22.06.2022.

For Appellant

:Mr.S.Sarvangan Prabhu

For Respondents

:Mr.J.Ashok,
Additional Government Pleader



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JUDGMENT

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

Heard Mr.S.Sarvangan Prabhu, learned counsel appearing for the appellant and Mr.J.Ashok, learned Additional Government Pleader, who takes notice for the respondents.

2. This writ appeal is directed as against the order of the learned Single Judge made in W.P(MD)No.11795 of 2022, dated 22.06.2022, dismissing the writ petition filed by the appellant/writ petitioner seeking for issuance of a Writ of Mandamus, directing the respondents to survey the writ petitioner's land situated in Survey Nos.93/1A & 93/1B, measuring to an extent of 86 ½ cents at Nathaikulam Village, Tiruchendur Taluk, Thoothukudi District, by fixing the boundaries.

3. The learned Single Judge has dismissed the writ petition after recording the fact that objections were raised by some persons, who have a rival claim before the official respondents and therefore, the prayer of the writ petitioner cannot be conceded. Challenging the same, the writ petitioner has filed this writ appeal.



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4. The appellant has produced before this Court the sale deed by which he has purchased the property on 08.04.2021. The sale deed relied upon by the appellant shows that his vendor by name Velmurugan has obtained a sale deed in his favour from one V.S.Rathina Pandian and others on 23.02.2021. Except that, the appellant has not produced any title document in his favour. Even the patta produced by the appellant is a computerised patta issued on the basis of the subsequent sale deed by which he had purchased the property. When there is a rival claim as indicated by the respondents, it may not be proper to entertain a writ petition to survey and to fix boundaries. Therefore, this Court does not find any reason to interfere with the order passed by the learned Single Judge.

5. In view of the fact that there is a rival claim, it is open to the appellant to approach the civil Court for appropriate relief after impleading necessary and proper parties.

With the above observation, this writ appeal is dismissed.

No Costs.

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

Index : Yes / No
NCC : Yes/No
pm



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