



W.P(MD)No.24482 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24482 of 2022

Madathi

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Tahsildar,
V.K.Pudur Taluk,
Tenkasi District.

3.The Head Surveyor,
V.K.Pudur,
Tenkasi District.

4.The Inspector of Police,
Uthamalai Police Station,
Tenkasi District.

5.Omana

6.Chinnadurai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to survey the lands measuring 1 cent in S.No.382/9 of Kannadikulam Village, V.K.Pudur



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Taluk, Tenkasi District on the basis of the petitioner's representation dated 19.09.2022.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1 to R3.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R4.
Mr.T.Thirumurugan for R5 & R6.

ORDER

Heard the learned counsel on either side.

2.The petitioner wants survey to be conducted in respect of the petition mentioned property.

3.When the matter was taken up for hearing, learned counsel for the respondents 5 and 6 submitted that the sixth respondent has already filed O.S.No.27 of 2023 on the file of Principal District Munsif Court, Tenkasi seeking the relief of declaration. The consequential relief is for recovery of possession. Therefore, no exception can be taken to the request of survey by the petitioner. The sixth respondent himself concedes that the petitioner is in



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possession. That is why, he wants the Civil Court to direct the petitioner to hand over possession.

4.In this view of the matter, the second respondent is directed to conduct survey and complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order.

5.The writ petition is allowed on these terms. No costs.

24.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
Tenkasi District, Tenkasi.
- 2.The Tahsildar,
V.K.Pudur Taluk,
Tenkasi District.
- 3.The Head Surveyor,
V.K.Pudur, Tenkasi District.
- 4.The Inspector of Police,
Uthamalai Police Station,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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