



W.P(MD)No.24943 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24943 of 2023

and

W.M.P.(MD)No.21134 of 2023

Alagarsamy

... Petitioner

Vs.

1.The Tahsildar,
Kallikudi,
Madurai District.

2.The Firka Surveyor,
Kallikudi,
Department of Land Survey,
Kallikudi, Madurai District.

3.Jothilakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned in Na.Ka.No.2065/2023/E dated 09.10.2023 of the 1st respondent herein and quash the same.



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For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 & R2.
Mr.G.Sakthi Rao for R3.

ORDER

Heard both sides.

2.The third respondent herein applied for conducting survey in respect of the petition mentioned property. The petitioner offered his objections. The objections were overruled. The petitioner has subsequently filed O.S.No.223 of 2023 on the file of District Munsif Court, Thirumangalam. By conducting survey, the four boundaries alone will be earmarked. Nothing else can be done. There cannot be any dispossession on the strength of survey. Fencing cannot be done. Therefore, I fail to understand as to how the rights of the petitioner will be affected, if the survey is conducted. Since the petitioner has filed a civil suit, the rights of the parties will abide by the outcome of the suit. The petitioner is shown as the defendant.



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3. With this clarification, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

16.11.2023

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

1. The Tahsildar,
Kallikudi,
Madurai District.
2. The Firka Surveyor,
Kallikudi,
Department of Land Survey,
Kallikudi, Madurai District.



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G.R.SWAMINATHAN, J.

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