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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.27570 of 2022

and

W.M.P.(MD)Nos.21670 and 21671 of 2022

V.V.Moorthy

... Petitioner

vs.

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Melur, Madurai District.

3.The Tahsildar,
East Taluk Office,
Madurai District.

4.The Taluk Surveyor,
East Taluk, Madurai District.

5.S.Madan

6.P.Sekar

7.S.Rani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the



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records pertaining to the impugned notice, dated 30.11.2022 passed by the respondent No.4 and to quash the same as illegal and consequently, to forbear the respondent No.3 and 4 from surveying the property in S.No. 120/24 in Pudupatti Village, Madurai District till the disposal of the patta cancellation proceedings pending on the file of the second respondent in Na.Ka.No.5812/2022/B4, within time stipulated by this Court.

For Petitioner	:Mr.K.Dinesh
For R1 to R4	:Mr.J.Ashok Additional Government Pleader
For R5 to R7	:Mr.S.Vaithiyanathan

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the notice, dated 30.11.2022 by which the fourth respondent, Taluk Surveyor had issued a notice for conducting survey of the land in S.No.120/24 in Pudupatti Village, Madurai District.

2.Heard Mr.K.Dinesh, learned Counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondents 1 to 4 and Mr.S.Vaithiyanathan, learned Counsel for the respondents 5 to 7.

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3.The fifth and sixth respondents herein had earlier filed W.P.(MD)No.21991 of 2022, seeking survey of the very same land and a learned Single Judge of this Court had by an order, dated 16.09.2022, which was clarified by a subsequent order, dated 17.10.2022, had directed survey of the land. The learned Single Judge had stated that such survey should be completed only after giving opportunity to all the parties. The only manner in which opportunity could be granted is by issuing notice. The fourth respondent had issued the notice. Questioning that particular notice, the present writ petition has been filed.

4.The Writ Petition is not at all maintainable. The petitioner will necessarily have to participate in the survey and permit survey to be conducted consequent to the order in W.P.(MD)No.21991 of 2022. A specific direction is issued to the third and fourth respondents to specifically abide by the judgment in W.P.(MD)No.21991 of 2022 in accordance with letter and spirit of the said judgment.

5.The learned Counsel for the petitioner stated that a civil suit is



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pending for the very same relief and an Advocate Commissioner has been appointed. The petitioner cannot go before the Civil Court to survey the land and also come before this Court restraining that survey should not be done.

6.The Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No

11.04.2023

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C.V.KARTHIKEYAN, J.

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Order made in
W.P.(MD)No.27570 of 2022

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