



W.P(MD)No.28450 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

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THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28450 of 2022

and

W.M.P(MD)No.22461 of 2022

P.Chandrakumar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai-625 020.

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

3.The Tahsildar,
Madurai South Taluk,
Collector Office Campus,
Madurai-625 020.

4.The Taluk Sub-Inspector of Surveyor,
Madurai South Taluk,
Collector Office Campus,
Madurai-625 020.

5.Rengaraj

6.Sattanathan

7.C.Ramachandran

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the third respondent, dated 25.11.2022, in Ni.Mu. No. 4930/2022/S and quash the same as illegal and consequently direct the first to third respondents to carry out survey on the petitioner's land admeasuring an extent of 0.05.22 Ares i.e. 13 cents in old Survey No.57/9 New Survey No. 222/15 is situated at Viraganoor Village, Madurai South Taluk, Madurai South Registration District, Madurai District and demarcate the same by laying stones as per Sale Deed, dated 24.02.2020, in Document No.1591/2020.

For Petitioner	: Mr.A.Jeyaram
For R-1 to R-4	: Mr.M.Lingadurai Special Government Pleader
For R-5	: Notice sent. Service awaited
For R-6	: No appearance
For R-7	: Mr.M.Solaisamy

ORDER

Heard the learned Counsel on either side.

2. The writ petitioner approached this Court seeking to conduct survey and measurement of the petition mentioned property. The seventh respondent filed writ petition for stopping the said survey. In fact both the writ petitions filed by the petitioner as well as the seventh respondent were disposed of on the same lines. The Tahsildar was directed to consider the objections raised by the



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seventh respondent. After holding an enquiry, the Tahsildar passed the impugned order, dated 25.11.2022, rejecting the petitioner's request for conducting survey and directing him to move the jurisdictional civil Court. This order is put to challenge in the present writ petition.

3. The learned Counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of this petition. The learned Counsel for the seventh respondent opposed the writ prayer. The learned Special Government Pleader for the respondents 1 to 4 also submitted that the impugned order does not call for any interference.

4. After carefully considering the rival contentions and going through the materials on record, I am satisfied that the order impugned in the writ petition does not require interference. The petitioner has to prove his case only before the jurisdictional civil Court. In writ proceedings, contentious and disputed questions of fact cannot be gone into. Granting liberty to the writ petitioner to move the jurisdictional civil court, this writ petition stands disposed of. As regards the revenue records, if according to the seventh respondent, the name of his grand-father must be restored. The seventh respondent will have to move the Revenue Divisional Officer for appropriate mutation or change. It may not be open to the Tahsildar to direct restoration of the earlier position. Only to this



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limited extent, the order impugned in the writ petition is interfered with. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

27.01.2023

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

To

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G.R.SWAMINATHAN, J.

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