



W.P(MD)No.28631 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28631 of 2022

and

W.M.P(MD)No.22662 of 2022

Azhagar

... Petitioner

Vs

1.The District Collector,
Madurai.

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

3.The Tahsildar,
Madurai West Taluk,
Madurai District.

4.The Madurai Corporation,
Through its Commissioner,
Madurai.

5.K.Rameswari

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to survey the lands in old revenue survey number 87/1 and 87/3 of Ponmeni Village, Madurai West Taluk, Madurai District with the assistance of old



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revenue records and the documents of the concerned private parties who own lands in the said survey numbers and demarcate the boundaries and carry out the necessary corrections in the survey records, as well as revenue records and the town survey records.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.G.Suriyananth
Additional Government Pleader
for R.1 to R.3

Mr.K.K.Kannan
Standing Counsel for R.4

Mr.V.Pandiyan for R.5

ORDER

Heard the learned counsel on either side.

2. There is a dispute between the petitioner on the one hand and the fifth respondent on the other. The husband of the fifth respondent filed W.P(MD)No. 21530 of 2022 for removal of encroachment made by the private respondents therein including the petitioner herein in T.S.No.40 in Ward No.XXIII, Zone - I of Madurai Corporation as per survey already conducted. The Hon'ble Division Bench also gave certain directions. Earlier the petitioner had filed W.P(MD)No.7287 of 2022 and this Court vide order dated 19.04.2022 directed the official respondents to survey and fix the boundaries of the petitioner's property comprised in Survey No.87/1.



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3.The contention of the learned counsel appearing for the petitioner is that this direction was not complied with. The survey report has also been enclosed in typed set of papers. When this Court had earlier given a direction in W.P(MD)No.7287 of 2022, it is expected that the authorities comply with the same. Since the petitioner had already moved this Court and also obtained direction if there is any non-compliance the remedy open to the petitioner is to initiate contempt proceedings. Filing a separate writ petition pursuing the same cause of action may not be correct. I therefore dispose of the writ petition by directing the authorities to adhere to the direction given in W.P(MD)7287 of 2022.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

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

To

1.The District Collector,
Madurai.



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MGA

2.The District Revenue Officer,
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3.The Tahsildar,
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Madurai District.

4.The Commissioner,
Madurai Corporation,
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