



W.P(MD)No.26963 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26963 of 2023

Ganesan

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate Building,
Ramanathapuram District.

2.The Assistant Director,
District Survey Office,
Office of Collectorate Building,
Ramanathapuram.

3.The Tahsildar,
Office of the Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

4.The Head Surveyor,
Office of the Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

5.Lakshmi

6.Katturaja

7.Loganathan

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents No. 3 and 4 to survey the land in connection with H Block 23, Old Survey No. 23/32, T.S.No.31/2 to extent of 294 Sq.ft. situated at New Santhipettai Street, Old Jacsonpattayan Street, Venthoni Group, Paramakudi Town, Ramanathapuram District based on the connected issues pending before the Principal District Court, Ramanathapuram in I.A.No.4 of 2023 in unregistered Appeal suit A.S.No.Nil/2023.

For Petitioners : Mr.K.Yasar Arafath

For Respondents : Mr.M.Prakash
Additional Government Pleader for R1 to R4

ORDER

Heard both sides.

2. The petitioner wants this Court to forbear the survey authorities from conducting survey.

3. It is seen that the civil proceedings are pending between the petitioner on the one hand and the private respondents on the other at the appellate stage. The fifth respondent appears to be having decree in her favour. She is also having patta. The petitioner is not having patta in his favour. Therefore, the petitioner cannot prevent the survey authorities from conducting survey. But then, it is well settled that survey by itself cannot lead to dispossession of



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anybody. The survey authority will only mark the boundaries.

4. The learned counsel for the fifth respondent states that the 5th respondent is having two decrees against the petitioner.

5. It is always open to the decree-holder to enforce the same through proper process. With this observation, the writ petition is disposed of. No costs.

09.11.2023

Index : Yes / No

Internet : Yes/ No

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Ramanathapuram District.

G.R.SWAMINATHAN, J.

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