



W.P.No.1188 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 1188 of 2024

N.Shajahan

... Petitioner

versus

1.The District Collector,
Collector Office Road,
Moovendar Nagar,
Villupuram,
Villupuram District – 605 602.

2.The Tahsildar,
Taluk Office,
Melmalaiyanur,
Villupuram District.

3.The Sub-Inspector of Surveyor,
Melmalaiyanur,
Villupuram District.

4.Abdul Basher

....Respondents

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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of of Mandamus, directing the third respondent to survey the lands comprised in S.No.86/1A by marking the metes and bounds of its sub-division particularly the petitioner's lands in S.No.86/1A1A, 86/11, 12 and 13, measuring an extent of 1 Acre and 90 cents and for further direction to the 1st and 2nd respondents to issue Patta for the petitioners' above said lands exclusively in the petitioner's name, deleting the errors, by considering the petitioner's representation dated 22.11.2023.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 to R3

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus, directing the third respondent to survey the lands comprised in S.No.86/1A, by marking the metes and bounds of its sub-division particularly the petitioner's lands in S.Nos.86/1A1A, 86/11, 12 and 13,



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measuring to an extent of 1 Acre and 90 cents and for further direction to respondents 1 and 2 to issue Patta for the petitioner's above said lands exclusively in the petitioner's name, deleting the errors, by considering the petitioner's representation dated 22.11.2023.

2. The main grievance of the petitioner is that even though, he has given a representation on 22.11.2023, till date, the official respondents have not taken any action on the said representation.

3. The learned Additional Government Pleader appearing for respondents 1 to 3, by referring to the counter affidavit submitted that the petitioner and fourth respondent herein were summoned by the Revenue Inspector, Avalurpet for enquiry. Thereafter, the petitioner appeared before the Revenue Inspector and gave his statement. However, the fourth respondent refused to appear for enquiry stating that since he has already



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filed a civil suit in O.S.No.326 of 2023 on the file of the Subordinate Court, Gingee, Villupuram District against the petitioner for declaration and permanent injunction with regard to the property mentioned this writ petition and the same is pending. The learned Additional Government Pleader further submitted that the petitioner suppressing the above facts filed the present writ petition.

4. Heard both sides and perused the materials available on record.

5. Since the subject matter is pending before the Civil Court, the petitioner and the fourth respondent herein are directed to work out their remedy before the Civil Court. The learned Subordinate Judge, Gingee is directed to complete the pleadings in O.S.No.326 of 2023, within a period of one month, if already not completed, frame issues and dispose of the suit within a period of two months. All such exercise shall be completed within



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a period of three months from the date of receipt of a copy of this order. The petitioner and the fourth respondent are directed to give their fullest co-operation to the trial Court to enable them to comply with the order of this Court.

6. With the above directions, this writ petition is disposed of.

However, there shall be no order as to costs.

29.02.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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