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W.P.No.8767 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-04-2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.8767 of 2024

Chandra S

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Petitioner

-VS-

1.District Collector,
Dharmapuri District.

2.Commissioner,
Commissionerate, Land Survey and Settlement,
Chennai.

3.Assistant Director,
Office of the District Land Survey and Settlement,
Dharmapuri District.

4.Tahsildar,
Pappireddypatti Taluk,
Dharmapuri District.

...

Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus to call for the records in Order No.99/2023(S-1), dated 10.10.2023, on the file of the fourth respondent and quash the same and consequently direct the fourth respondent to take necessary steps to survey the land comprised in R.S.No.67/3 for the laying of pipelines.



For Petitioner : Mr.V.Balamurugan

For Respondents : Mr.P.Sathish,
Addl.Govt.Pleader.

ORDER

This Writ Petition has been filed challenging the impugned order, rejecting the request of the petitioner to survey the land.

2. The impugned order has been passed by the fourth respondent, rejecting the request of the petitioner, mainly on the ground that civil suits are pending between the parties in O.S.Nos.89/2023 and 74/2023 on the file of District Munsif Court, Pappireddypatti.

3. On perusal of the records, it is seen that there is no interim order whatsoever in the above said suits. Therefore, mere survey of the land by the Government authorities as per the boundaries cannot take away the rights of the parties. In fact, documents also can be tested before the Civil Court in the pending suits.

4. In such view of the matter, let the fourth respondent give proper notice to the neighbouring land owners and the parties to the civil suits in O.S.Nos.89/2023 and 74/2023 on the file of District Munsif Court, Pappireddypatti, and measure the property in their presence within a period of three months from the date of receipt of this order.



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5. Writ Petition is disposed of accordingly. No costs.

04-04-2024

Index : Yes/No
Internet : Yes/No
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To

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N.SATHISH KUMAR, J.

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