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WP.No.10385 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10385 of 2024

1. V.K.Subramaniam
2. V.K.Shanmugam

.. Petitioners

Versus

1. The District Land Surveyor,
District Collectorate office,
Sambath Nagar, Erode District – 638 011.
2. The Tahsildar,
Tahsildar Office Gobichettypalayam,
Erode District – 638 452.
3. A.V.S.Somasundaram

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first and second respondent authorities to abstain from measuring the land comprised in survey No.38/1, 39/1 and 43/2C situated at Vellankovil Village, Gobi Taluk, Thingalur Sub-Registration Office Limits, Erode District.

For Petitioner : Mr.I.Prakash Raj

For Respondents : Mr.A.Selvendran
Special Government Pleader – R1 & R2



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ORDER

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With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to abstain the first and second respondents from measuring the land comprised in survey No.38/1, 39/1 and 43/2C situated at Vellankovil Village, Gobi Taluk, Thingalur Sub-Registration Office Limits, Erode District.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the first and second respondents and perused the materials available on record.

4. The main contention of the writ petitioner is that he had filed a suit in O.S.No.146 of 2015 and the same is pending before the District Munsif Court, Gobichettipalayam. While so, an application has been made by the third respondent to the first and second respondents to measure the land and to erect the boundary stones. Hence, the first and second respondents have to be abstained from measuring the land.



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5. When the survey has been done in the presence of the petitioner, this Court is of the view that no prejudice would be caused. Infact the survey done by the Government authorities will enable the petitioner and the third parties to prove their facts before the pending suit. In such view of the matter, there cannot be any blanket Order as sought by the petitioner.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1. The District Land Surveyor,
District Collectorate office,
Sambath Nagar, Erode District – 638 011.

2. The Tahsildar,
Tahsildar Office Gobichettypalayam,
Erode District – 638 452.



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N. SATHISH KUMAR, J.

VRC

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