



WEB COPY



WP.No.9752 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9752 of 2024

V.Siva

.. Petitioner

Versus

1. The District Collector,
Office of Collectorate, Salem District.

2. The Tahsildar,
Office of Tahsildar, Attur Taluk, Salem District.

3. The Head Surveyor,
Office of Tahsildar, Attur Taluk, Salem District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to measure the petitioner's land, viz., property in Survey Nos.261/1, 261/2A and 265/1 to a total extent of about 69 cents of lands in Keeripatti Village, Attur Taluk, Salem District by disposing of the petitioner's representation dated 27.02.2024 and the same within a time to be stipulated by this Court.

For Petitioner : Mr.Arun Prasath

For Respondents : Mr.A.Selvendran
Special Government Pleader – R1 to R3

A.Sriram – for the proposed respondent



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ORDER

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 direct the third respondent to measure the petitioner's land, viz., property in Survey Nos.261/1, 261/2A and 265/1 to a total extent of about 69 cents of lands in Keeripatti Village, Attur Taluk, Salem District by disposing of the petitioner's representation dated 27.02.2024 within a time to be stipulated by this Court.

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

4. The case of the petitioner is that the subject property has been allotted to the writ petitioner by way of deed of partition dated 25.09.2023 and patta also stand in the name of the father of the petitioner. It is the grievance of the writ petitioner that though the writ petitioner has remitted payment for purpose of surveying his land and demarcate the boundaries and submitted a



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representation dated 27.02.2024 to the concerned authority, the same has not been considered. Hence, the present Writ Petition.

5. It is the contention of the proposed respondents that a suit in O.S.No.426 of 2023 on the file of the Sub Court, Attur which has been filed for declaration and injunction, is pending between the parties in respect of the very same survey number, wherein the writ petitioner is one of the defendant. When a suit is pending in respect of the very same survey number, the writ petitioner can file an application in the pending suit for appointment of an Advocate Commissioner and seek remedy in the suit itself.

6. With the above observation, this Writ Petition is dismissed. No costs.

10.04.2024

vrc

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

<https://www.mhc.tn.gov.in/judis>



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N. SATHISH KUMAR, J.

VRC

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