



W.P.No.10824 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated :07.11.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.10824 of 2024
and W.M.P.No.11932 of 2024

N.Chandraprakasam

...Petitioner

vs

- 1 The Tahsildhar
Veppanthattai taluk Veppanthattai and Post
Perambalur District.
- 2 The head surveyor
Veppanthattai Taluk Veppanthattai and Post
Perambalur District.
- 3 N.Krishnasamy
- 4 Balamahendran
- 5 Vinothraj

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of mandamus forbearing the respondents 1 and 2 from making Survey and measurements and sub-division of the



W.P.No.10824 of 2024

lands in SF No. 258/1 258/11-B and 258/2 measuring an extent of 0.77.00 Ares of Thevaiyur North Village, Veppanthattai Taluk Perambalur District.

For Petitioner : Mr.S.Kamadevan
For Respondents : Mr.M.R.Gokul Krishnan
1 and 2 Additional Government Pleader
For Respondents 3 to 5 : Mr.Avinash Wadhwani

ORDER

This Writ Petition has been filed seeking a Mandamus, to forbear the respondents 1 and 2 from making Survey and measurements and sub-division of the lands in SF No. 258/1 258/11-B and 258/2 measuring an extent of 0.77.00 Ares of Thevaiyur North Village, Veppanthattai Taluk Perambalur District.

2. In an earlier writ petition filed by the 5th respondent herein in W.P.No.4762 of 2024 dated 27.02.2024 where the present petitioner



W.P.No.10824 of 2024

has been shown as 4th respondent, orders have been passed at the admission stage itself without notice to the petitioner, issuing the following directions:

“5. Having regard to the submissions made by the learned counsel on either side and since this writ petition is filed seeking a simple writ of mandamus to consider the petitioner's representation, this Court without expressing any opinion with regard to the merits of the case, directs the 1st respondent to consider the petitioner's applications dated 29.01.2024 and 31.01.2024 and issue notice to the petitioner, 4th respondent herein, adjacent land owners of the four boundaries of the subject land and also to the interested parties/rival claimants/objectors if any, as the case may be and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law within the time as prescribed in the circular No.R1/2005632/2022 dated 17.07.2023 issued by the Commissioner of Land Administration, from the date of receipt of a copy of this order.”



W.P.No.10824 of 2024

WEB COPY

3. Pursuant to orders of this Court, a Survey is sought to be undertaken by the 1st respondent, the 1st respondent issued a notice in No.2024/0123/16/000106 dated ..03.2024 informing that the survey is proposed to be held on 19.03.2024 at 10.00 am. This has been followed by another notice dated 08.04.2024 stating that the survey is to be held on 10.04.2024 at 10.00am. Therefore, the petitioner has moved this Court seeking a mandamus forbearing the respondents from conducting the survey.

4. The grievance of the petitioner is that a suit O.S.No.19 of 2010 pending on the file of the District Munsif cum Judicial Magistrate, Veppanthattai against the petitioner for partition, which has been dismissed on 02.11.2022. The petitioner has now filed a suit for declaration on the file of the file of the Sub Court, Perambalur in O.S.No.167 of 2024 for declaration. It is his contention that till the disposal of this suit, the survey cannot be conducted.



W.P.No.10824 of 2024

WEB COPY

5. Heard the learned counsels on either side.

6. Considering the fact that the survey is proposed to be held only on the basis of the orders of this Court, the parties shall submit their objections before the respondents and if a suit is pending, the survey shall not be proceeded with. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.11.2024

Index: Yes/No

srn

To

1 The Tahsildhar
Veppanthattai taluk Veppanthattai and Post
Perambalur District.

2 The head surveyor

5/6



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W.P.No.10824 of 2024

Veppanthattai Taluk Veppanthattai and Post
Perambalur District.

P.T.ASHA, J.,

srn

W.P.No.10824 of 2024
and W.M.P.No.11932 of 2024

07.11.2024