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W.P.No.24597 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24597 of 2024

K.Periyasamy

... Petitioner

vs.

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

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 2 and 3 to measure the petitioner's land and fix proper boundaries by laying boundary stones Viz., Survey Nos.467/3, 466/6, 466/5, 5/3D, 6/2C to an total extent of about 5 acres



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01 cents of lands in Nagiyampatti Village, Gengavalli Taluk, Salem District by disposing the petitioner's online application dated 30.10.2023 and the same within a time to be stipulated by this Court.

For Petitioner : Mr.A.Rajkumar

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents to consider the online application of the petitioner dated 30.10.2023 seeking Survey Nos.467/3, 466/6, 466/5, 5/3D, 6/2C to an total extent of about 5 acres 01 cents of lands in Nagiyampatti Village, Gengavalli Taluk, Salem District.

2. It is the case of the petitioner that he purchased above mentioned land under registered sale deed dated 12.10.2023. He submitted an online application seeking survey of the land and the same has not been considered. Hence, the petitioner has come before this Court.

3. When the matter was taken up for hearing, the learned



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Additional Government Pleader appearing for the respondents on instruction submits that in respect of the very same property one Alagesan filed a Civil Suit against the petitioner and others in O.S.No.128 of 2024, on the file of the District Munsif, Attur.

4. The copy of the plaint in O.S.No.128 of 2024 is also produced before this Court and perusal of the same would show that in respect of the very same property, one Alagesan and another filed a Civil Suit against the petitioner and others seeking various reliefs. In view of the fact that the Civil Suit is pending between the petitioner and the rival claimants, this Court is not inclined to issue any direction to the respondents to consider the request of the petitioner for survey of the land. It is always open to the petitioner to file an appropriate application before the concerned Court, in which the suit is pending seeking survey of the land.

5. With these observation, this writ petition stands dismissed. No



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costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

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S.SOUNTHAR, J.



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