



WP(MD)No.2672 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.2672 of 2023
and WMP(MD)No.6074 of 2023

Arunachalam

...Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Dindigul District.

2.The Assistant Director (Survey & Land Records),
Office of the Assistant Director,
Collectorate Building,
Dindigul District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul, Dindigul District.

4.The Village Administrative Officer,
Kurumbapatti Village,
Dindigul District.

5.The Tahsildar,
Office of the Tahsildar,
Dindigul West Taluk,
Dindigul District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents to survey the petitioner's property extends to 24 cents situated at Survey No.36/2, Kurumbapatti Village, Dindigul District on the basis of the petitioner's application dated 21.09.2022 and representation dated 20.01.2023 in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.R.Alagumanil
For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents to survey the petitioner's property extends to 24 cents situated at Survey No.36/2, Kurumbapatti Village, Dindigul District on the basis of the petitioner's application dated 21.09.2022 and representation dated 20.01.2023 in accordance with law within the time stipulated by this Court.

2. The petitioner filed an application to survey his property to an extent of 24 cents in Survey No.36/2, Kurumbapatti Village, Dindigul District. The petitioner also paid necessary fee for the survey. As no action was taken on the petitioner's application, the petitioner filed the above writ petition for the aforesaid relief.

3. When the matter was taken up for hearing, the learned Additional Government Pleader based on the instructions submitted that the four boundaries of the petitioner's lands as per his title documents in document No.3091/2010 were identical to the four boundaries of one



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Pandiarajan as per his title document in document No.5468/2010 and hence there was serious dispute as to the title of the subject property. The learned Additional Government Pleader further submitted that the wife of the predecessor in title of the petitioner filed a civil suit for declaration and the same was also pending and so, survey could not be conducted.

4. In view of the submissions made by the learned Additional Government Pleader that as civil suit is pending with regard to the title of the property, the prayer of the petitioner for survey of his land cannot be countenanced. It is pertinent to note here that the petitioner has suppressed the pendency of the civil suit, in this writ petition and therefore, the Writ Petition deserves to be dismissed on the said ground also.

5. Hence, I find no merits in the Writ Petition and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



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N.MALA,J.

CM

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