



W.P(MD)No.4409 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.4409 of 2021

and

W.M.P(MD)Nos.3551 and 3553 of 2021

V.Kathikraja

: Petitioner

Vs.

- 1.The Tahsildar,
O/o.The Tahsildar,
Sivagangai, Sivagangai District.
- 2.The Surveyor,
Survey and Land Records Department,
Collectorate Campus, Sivagangai,
Sivagangai District.
- 3.The Village Administrative Officer,
O/o.The Village Administrative Officer,
North Singampunari, Singampunari,
Sivagangai District.
- 4.S.Rajendran
- 5.S.Govindarajan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of certiorari, to call for the



W.P(MD)No.4409 of 2021

records relating to the impugned survey order passed by the second respondent in his proceedings in புல எல்லை மனு எண். 2/2021, dated 14.02.2021 and quash the same as illegal.

For Petitioner : Mr.Nawazkhan
For Respondent : Mr.V.Omprakash,
Government Advocate, for R1 to R3
: Mr.T.Antony Arulraj, for R4.
: Mr.V.R.Shanmuganathan, for R5.

ORDER

This Writ Petition is directed against the proceedings issued by the first respondent for measuring the property in dispute at the instance of the respondents 4 and 5.

2. When the matter is taken up for hearing today, the learned Government Advocate appearing for the State would submit that on the application given by the respondents 4 and 5, the first respondent has directed to measure the property and at the time of measuring the property, the petitioner along with eight other persons had intervened and stalled the measuring activities alleging that they are also having ownership over the property.



W.P(MD)No.4409 of 2021

WEB COPY

3. The learned counsel for the petitioner as well the private respondents would submit that there are four suits including the suit in O.S.No.120 of 2015 are pending before the Civil Courts.

4. Since the suits are pending before the competent Civil Courts with regard to the property in question, measuring the property at the instance of the private respondents does not arise at all and as such, the impugned notice, dated 14.02.2021, is liable to be quashed.

5. In the result, the Writ Petition is allowed and the the impugned notice, dated 14.02.2021, is hereby quashed. The petitioner as well as the private respondents are at liberty to workout their remedies before the Civil Courts. Consequently, connected Miscellaneous Petitions are closed. No costs.

01.04.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
das



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W.P(MD)No.4409 of 2021

K.MURALI SHANKAR, J.

das

Order made in
W.P(MD)No.4409 of 2021
and
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Dated : 01.04.2024