



W.P(MD)No.7504 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7504 of 2024

M.Somasundaram

... Petitioner

Vs.

1.The Tahsildar,
Madurai South Taluk,
Madurai.

2.The Block Development Officer
(Village Panchayat),
Thiruparankundram Panchayat Union,
Rural Development and Panchayat Raj
Department,
Thiruparankundram,
Madurai.

3.The President,
Perunkudi Village Panchayat,
Perunkudi, Madurai South Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the first



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respondent to conduct proper survey and mark the road margin of Survey Number 362/2A and 362/1B3B of Ayanpappakudi Village, Madurai South Taluk, Madurai District and further direct the second respondent's engineering wing to assist the survey and mark the boundaries of the Highways road margin of the above Survey Numbers 362/2A and 362/1B3B based on petitioner's representation dated 17.02.2024.

For Petitioner : Mr.Raja.Karthikeyan

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader

ORDER

Heard both sides.

2.The petitioner has been awarded with civil contract for laying drainage. The petitioner appears to have completed 85% of the work. However, the remaining work could not be completed because one Muniyandi has raised objections. That is why the petitioner wants survey to be conducted. The petitioner's request has to be accepted. Merely because the said Muniyandi is raising objection or because some civil suit is pending, the issue cannot be postponed.



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3.The first respondent is directed to say "No" to the said objector.

Mere pendency of suit cannot be a ground to refuse to conduct survey. If Muniyandi has raised some other tenable objection, then a speaking order shall be passed and the petitioner will be duly served with the copy of the same. Otherwise, survey shall be conducted and rights of the parties can abide by the outcome of the suit. On this ground, the petitioner cannot be prevented from completing his contract work.

4.This writ petition is allowed on these terms. There shall be no order as to costs.

26.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Tahsildar,
Madurai South Taluk,
Madurai.

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G.R.SWAMINATHAN, J.

MGA

2.The Block Development Officer
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Rural Development and Panchayat Raj
Department,
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