



W.P.(MD)No.9458 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.9458 of 2021

and

W.M.P.(MD)Nos.7182 and 11384 of 2021

D.Thangam

... Petitioner

Vs.

1. The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

2. The Head Surveyor,
Ottapidaram Taluk,
Thoothukudi District.

3. N.Azarudeen

... 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 records pertaining to the impugned notice issued by the first respondent office vide proceedings in FLA/28/2021 dated 26.04.2021 and quash the same as illegal and arbitrary.

For Petitioner : Mr.R.Karunanidhi

For R1 & R2 : Mr.A.K.Manikkam
Special Government Pleader

For R3 : Mr.T.R.Subramanian



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ORDER

The Writ Petition is directed against the impugned notice dated 26.04.2021 issued by the second respondent.

2. It is not in dispute that the third respondent has earlier filed a writ petition in W.P.(MD)No.7637 of 2021 seeking a Writ of Mandamus directing the present respondents 1 and 2 to survey the third respondent's land measuring 59 cents, under Re-survey No.548/2 of Ottapidaram Village, Ottapidaram Taluk, Thoothukudi District and to demarcate the four boundaries as per the FMB sketch by considering the third respondent's application dated 08.02.2021 within the time fixed and this Court, vide order dated 08.04.2021, directed the Head Surveyor, Ottapidaram Taluk to act upon the application submitted by the third respondent on 08.02.2021 and take a decision with regard to the survey of the subject property and also observed that if there are any other interested parties claiming right over the subject property, they shall also be issued with notice and an opportunity shall be given to them.

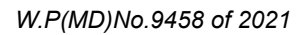


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3. The learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent would submit that in pursuance of the direction of this Court, the impugned notice came to be issued, but the learned counsel appearing for the writ petitioner would submit that the second respondent, without conducting any enquiry, has directed the parties to come to the property in dispute along with documents.

4. It is not in dispute that the writ petitioner has already filed a civil suit in O.S.No.67 of 2021 before the Principal District Court, Thoothukudi, against the respondents and some others claiming the relief to declare that the suit property is belonging to the plaintiff and for permanent injunction restraining the defendants and their men from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property and also to declare that the sale deed dated 14.12.2020 in favour of the first defendant and the sale deed dated 30.12.2020 in favour of the second defendant, who is the third respondent herein, are not legally valid and not binding on the plaintiff and also for mandatory injunction to cancel the order for sub division and



5. Considering the submissions made on either side and also taking into account the facts and circumstances, this Court is of the view that since the civil suit covering dispute regarding the present writ petition is pending, the trial Court is to be directed to dispose of the suit within a period of four months as stipulated. Hence, the learned II Additional District Judge, Chikodi, is directed to complete the trial in O.S.No.67 of 2021 and dispose of the same within a period of four months from the date of the order. A copy of this order and the respondents 1 and 2 are directed to be served. Subject to the result of the suit.

08.04.2024

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- To
1. The II Additional District Judge,
Thoothukudi.
 2. The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.
 3. The Head Surveyor,
Ottapidaram Taluk,
Thoothukudi District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J

csn

Order made in
W.P.(MD)No.9458 of 2021
and
W.M.P.(MD)Nos.7182 and 11384 of 2021

Dated : 08.04.2024