



W.P.(MD)No.4761 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.4761 of 2018

P.Rajendran

... Petitioner

versus

1. N.Pandiyan

2. The Thasildar,
Aandipatty Taluk Office,
Aandipatty,
Theni District.

3. The District Surveyor,
District Surveyor Office
Collector Office Campus,
Theni District.

4. The Taluk Surveyor,
Aandipatty Taluk Office,
Aandipatty,
Theni District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Mandamus, to forbear the
respondents to survey the land comprised in Survey No.64/2A and



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64/2C in Pullimankombai Village, Aandipatty Taluk, Theni District till the disposal of suits in O.S.No.35 of 2017 and O.S.No.58 of 2017 pending before the District Munsif cum Judicial Magistrate Court, Aandipatty.

For Petitioner : Mr.P.V.Gurudevaraj

For R1 : Mr.V.Santha Kumaresan

For R2 to R4 : M/s.D.Farjana Ghoushia

ORDER

The petitioner claims that he is the owner of the land in Survey Nos.64/2A and 64/2C in Pullimankombai Village, Aandipatty Taluk, Theni District. Since there was a dispute over the tile of the property, the petitioner has filed a suit for injunction against the first respondent before the learned District Munsif cum Judicial Magistrate, Aandipatty in O.S.No.35 of 2017. The first respondent has also filed a suit in O.S.No.58 of 2017 before the same Court. While so, the first respondent, by suppressing the pendency of the suit, has filed a writ petition in W.P.(MD)No.872 of 2018 without impleading the petitioner



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and obtained an order for conducting survey. Therefore, the petitioner has filed this writ petition for a Mandamus, to forbear the respondents 2 to 4 from conducting survey for the land in Survey Nos.64/2A and 64/2C in Pullimankombai Village, Aandipatty Taluk, Theni District.

3. Considering that two civil suits are pending before the District Munsif cum Judicial Magistrate, Aandipatti, in O.S.Nos.35 and 58 of 2017, with regard to the title over the subject property, the petitioner and the first respondent shall work out their remedy in the above suits.

4. If any application is filed for conduct of survey, the Surveyor ought to have conducted survey, by issuing notice to the concerned parties and also to the objectors, if any, as contemplated under Section 10 of the Tamil Nadu Survey and Boundaries Act. Further, the conduct of survey would not confer any right or title to the parties.



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5. Therefore, the respondents 2 to 4 shall conduct survey, after providing a notice to the writ petitioner as well as to concerned parties, as required under Section 10 of the Tamil Nadu Survey and Boundaries Act. If there is any objection from the parties, the respondents shall take a decision on the objections and thereafter, conduct survey within a period of six weeks from the date of receipt of a copy of this order. If the writ petitioner is having any grievance over that decision, he is having an appeal remedy under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923.

6. Accordingly, this writ petition is disposed of. No costs.

07.02.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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