



W.P.(MD) No.23560 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23560 of 2024

and

W.M.P.(MD) No.19945 of 2024

Christopher Devaraj

.. Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Palayamkottai.

2.The Firka Surveyor,
Sivanthipatti,
Palayamkottai,
Tirunelveli District.

3.Pathirakali @ Parnaba

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned memo passed by the first respondent in FLA 467/2024 dated 05.08.2024 and quash the same as illegal and consequently direct the respondents 1 and 2 to survey the land bearing Survey No.499/30, Plot No.220 and Survey No.499/31, Plot No.221



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locate at VPC Nagar, Pudukulam Village, Palayamkottai Taluk, Tirunelveli District measuring each 5.5 cents and total 11 cents in accordance with law after giving opportunity to the third respondent on the basis of the petitioner's application dated 05.02.2024.

For Petitioner : Mr.S.Sivasubramanian
For R1 & R2 : Mr.P.Thambidurai
Government Advocate

ORDER

The petitioner has filed this writ petition for the following relief:

“For the reasons stated above it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly in the nature of a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned memo passed by the 1st respondent in FLA 467/2024 dated 05.08.2024 and quash the same as illegal and consequently direct the respondents 1 and 2 to survey the land bearing Survey No.499/30, Plot No.220 and 499/31, Plot No.221 locate at VPC Nagar, Pudukulam Village, Palayamkottai Taluk, Tirunelveli District measuring each 5.5 cents and total 11 cents



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in accordance with law after giving opportunity to the third respondent on the basis of the petitioner's Application dated 05.02.2024 and to pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.”

2. A perusal of the impugned order dated 05.08.2024 would show that the petition mentioned two plots viz., Plot Nos.220 and 221 in S.Nos. 499/30 and 499/31 of Pudukkam Village, Palayamkottai Taluk, Tirunelveli, falls both within VPC Nagar as well as St. George Nagar. In other words, there are two layout plans with reference to the very same survey numbers and that apart, the contesting respondent has fenced the entire property and therefore, two persons are claiming in respect of the very same property, which is clearly a case where title is disputed. Once there is a dispute to the title, the petitioner's recourse is only to approach the civil Court. In the impugned order, the first respondent has rejected the petitioner's request and directed him to approach the civil Court. I see no reason to interfere with the same. Therefore, this Writ Petition is dismissed giving liberty to revive the writ petition once the suit is



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disposed and the petitioner's right over the property is established by the civil Court. No costs. Consequently, connected miscellaneous petition is closed.

03.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Tahsildar,
Taluk Office,
Palayamkottai.

2.The Firka Surveyor,
Sivanthipatti,
Palayamkottai,
Tirunelveli District.



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P.T.ASHA, J.

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