



W.A.(MD) No521 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.(MD) No.521 of 2021
and
C.M.P.(MD) No.2305 of 2021**

V.Ramalingam

... Appellant

-VS-

- 1.Periyasamy
- 2.The Tahsildar,
Krishnarayapuram Taluk Office,
Krishnarayapuram,
Karur District.
- 3.The Surveyor,
Krishnarayapuram Taluk Office,
Krishnarayapuram,
Karur District.
- 4.The Inspector of Police,
Mayanoor Police Station,
Mayanoor,
Karur District.

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5. The Revenue Divisional Officer,
Kulithalai,
Karur District.

... Respondents

*(R5 is suo motu impleaded vide order dated
02.12.2024 in W.A.(MD)No.521 of 2021 by
TKRJ & NSJ)*

Writ Appeal filed under Clause 15 of Letters Patent to allow the writ appeal and to set aside the order dated 03.08.2018 passed in W.P.(MD)No.17396 of 2018 on the file of this Court.

For Appellant : Mr.AN.Ramanathan

For Respondents : Mr.M.Deepan Chakaravarthy,
For Mr.K.Arunraj for R1.
Mr.G.Suriyananth,
Addl. Government Pleader for R2, R3 & R5.
Mr.K.Gnanasekaran,
Government Advocate (Crl. Side) for R4.

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

One Periyasamy filed writ petition seeking direction to the Surveyor and Tahsildar of Krishnarayapuram for survey to fix boundaries in respect of S.No.52/3E3 measuring to a extent of 2.20 Acres and S.No.52/3E1 to an extent of 57 ½ cents. By an order dated 30.08.2018, the writ petition was allowed directing



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the official respondents (respondents 1 and 2) to inspect the said survey numbers and complete the survey within a period of six weeks.

2. Aggrieved against the said order, Ramalingam, younger brother of Periyasamy filed this writ appeal as a third party after obtaining leave from this Court in C.M.P.(MD)No.11425 of 2018 and interim order of stay was granted in C.M.P.(MD)No.2305 of 2021 on 09.03.2021.

3. When the matter is taken up for final disposal, the learned counsel for the appellant / third party would contend that the total extent of land in S.No.52/3E was 4 Acres and 42 Cents which was sub-divided as S.No.52/3E1, S.No.52/3E2, S.No.52/3E3 and S.No.52/3E4 measuring 40.00 Ares, 48.50 Ares, 88.50 Ares and 1 Acre respectively and hence, without comprehensively arriving at the total extent of 4.42 Acres, survey cannot be allowed to be conducted. Periyasamy / first respondent herein is none other than elder brother of the appellant. It appears that patta proceedings are pending before the District Revenue Officer, Karur District and the first respondent was also impleaded as a party in the patta proceedings and notice was also issued as against him in the patta proceedings.



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The District Revenue Officer had remitted the matter to the file of the fifth respondent / Revenue Divisional Officer, Kulithalai. The matter is now pending before the fifth respondent. The fifth respondent vide proceedings dated 31.05.2024 directed for enquiry.

4.It is also brought to our notice that Jayalakshmi (first respondent's wife) filed W.P.(MD)No.10608 of 2024 for a similar prayer in respect of the very same prayer in the present writ petition. It is unfortunate to note that the advocate is same for the petitioner in the both writ petitions said to have been filed by the husband and wife that too after grant of stay by this Court.

5.Heard the learned counsel for the appellant, learned counsel for the first respondent, the learned Additional Government Pleader for the respondents 2, 3 and 5 and the learned Government Advocate (Crl. Side) for the fourth respondent.

6.Taking into consideration that a comprehensive enquiry is now pending before the fifth respondent in ஐ.மு.அ7/1799/2024, dated 31.05.2024, I find that the fifth respondent shall take into consideration the total number of extent of



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land in the original survey number in S.No.52/3E to an extent of 4.42 Acres and thereafter determine the rival claims with regard to the disputed extent in S.No.52/3E2 or S.No.52/3E3, as the case may be in accordance with law.

7.With these observations, the order passed by this Court on 03.08.2018 in W.P.(MD)No.17396 of 2018 shall stands modified to the limited extent and the writ appeal is disposed of. Such an order shall be passed by the fifth respondent within a period of four months from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]

02.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

1.The Tahsildar,
Krishnarayapuram Taluk Office,
Krishnarayapuram,
Karur District.

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RMT.TEEKAA RAMAN, J.
AND
N.SENTHILKUMAR, J.

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