



W.P(MD)No.22322 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22322 of 2017

1. Thavasipaul
2. Rajagopal

Petitioners

Vs

- 1.The District Collector,
Collectorate Building,
Tirunelveli District.
- 2.The Tahsildar,
Taluk Office, Radhapuram Taluk,
Tirunelveli District.
- 3.The Surveyor,
Taluk Office, Radhapuram Taluk,
Tirunelveli District.
- 4.The Deputy Superintendent Of Police,
Valliyoor, Tirunelveli District.
- 5.Murugesan

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.2 and 3 with the help of the 4th respondent to



W.P(MD)No.22322 of 2017

Survey the lands in Survey No.94/1E and 94/1F, Chettikulam Village, Radhapuram Taluk, Tirunelveli District for an extent of 2 Acres.

For Petitioner	: Mr.K.Kulanthai Vikram
For R1 to R3	: Mr.A.Baskaran Additional Government Pleader
For R4	: Mr.M.Vaikkam Karunanidhi Government Advocate

ORDER

Seeking Mandamus to conduct survey in the land Survey No.94/1E and 94/1F, Chettikulam Village, Radhapuram Taluk, Tirunelveli District, the petitioner has filed this writ petition in the year 2017.

2.Today(29.01.2024), when this writ petition is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 3 submits that in view of the pendency of a civil suit in O.S.No.241 of 2011 before the Additional District Munsif Court, Valliyur, they have not conducted the survey.



W.P(MD)No.22322 of 2017

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3.In reply, the learned counsel for the petitioner submits that the suit was dismissed for default on 05.08.2015 and the interlocutory application filed to restore the suit was also dismissed.

4.Considering the submissions made on either side, this writ petition is disposed of with a direction to the respondents to conduct the survey after ascertaining the judgment and decree passed in O.S.No.241 of 2011. In the event, if there is any objection, the survey officer shall conduct the enquiry under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and thereafter shall proceed further. No costs.

29.01.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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