



W.A(MD) No.220 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD) No.220 of 2022
and
C.M.P.(MD)No.2112 of 2022**

M.Palanimurugan

... Appellant / 3rd Party

Vs

1.Selvamurugan

... 1st Respondent / Petitioner

**2.The District Collector,
District Collectorate Office,
Madurai, Madurai District.**

**3.The Tahsildar,
Taluk Office, Kallikudi Taluk,
Madurai District.**

**4.The Surveyor,
Taluk Office Campus,
Kallikudi Taluk,
Madurai District.**

... Respondents 2 to 4 / Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the orders passed by this Court in W.P.(MD)No. 19595 of 2021, dated 08.11.2021 by allowing the writ appeal as prayed for.

For Appellant : Mr.M.Kannan

For Respondents : Mr.P.Ganapathi Subramanian
for R1

: Mr.S.Ra.Ramachandran
Additional Government Pleader
for R2 to R4

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. By order dated 08.11.2021 in W.P.(MD)No.19595 of 2021, the learned single Judge had directed the authorities to conduct survey at the instance of the first respondent herein (Selvamurugan). The said order is under challenge in this writ appeal. The learned counsel for the appellant states that the appellant had already filed O.S.No.54 of 2021 on the file



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of the Additional District Munsif Court, Thirumangalam seeking permanent injunction. The suit is at the evidence stage. When the civil Court is seized of the matter, the question of the survey authorities conducting parallel enquiry or survey will not arise. The rights of the parties will abide by the outcome of the suit. The Additional District Munsif Court, Thirumangalam is requested to dispose of the aforesaid suit on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. The order passed by the single Judge is set aside.

3. The Writ Appeal is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (M.J.R., J.)
06.03.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

AND

M.JOTHIRAMAN, J.

rmi

To

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