



W.P.(MD)No.5344 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.5344 of 2023

V.Gopikrishnan @ Adul Rehman

... Petitioner

/Vs./

1. The District Collector,
Madurai,
Madurai District.

2. The Tahsildar,
Thirumangalam Taluk,
Madurai District.

3. K.Kasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to survey, measurement and mark the boundary in respect of survey No. 115/7B1A, Plot No.359, situated at Kongar Puliankulam Taluk, Madurai District or to consider the representation dated 14.01.2023.

For Petitioner

: Mr.R.Santhanam

For Respondent Nos.1 & 2

: Mr.B.Saravanan
Additional Government Pleader

For Respondent No.3

: Mr.R.Ramasamy



W.P.(MD)No.5344 of 2023

WEB COPY

ORDER

The writ petition has been filed seeking issuance of a Writ of Mandamus to direct the second respondent to survey, measure and mark the boundaires in the petitioner's Plot No.359, comprised in survey No. 115/7B1A, situated at Kongar Puliankulam Village, (T.Pulliankulam), Chekkanoorany, Thirumangalam Taluk, Madurai District

2. I heard the learned Counsel for the petitioner, Mr.B.Saravanan, the learned Additional Government Pleader and the learned Counsel for the third respondent and perused the material records.

3. Pursuant to the earlier order of this Court dated 13.03.2023, when the matter was listed for hearing before me, I directed the learned Additional Government Pleader to find out the status of the survey which was proposed to be conducted by the respondent.

4. Today, Mr.B.Saravanan, the learned Additional Government Pleader submits that the survey already been completed and therefore the prayer sought for in this writ petition would not survive.



W.P.(MD)No.5344 of 2023

WEB COPY

5. The learned Counsel for the petitioner submits that the request was not only for survey but also for fixing the boundaries.

6. The learned Counsel for the third respondent would submit that the patta is mutated in the name of the third respondent and he already fenced the property and he is in enjoyment of the subject lands. However, the said statement of the learned Counsel for the third respondent is refuted by the learned counsel for the petitioner, contending that it is an approved layout and the petitioner has purchased the land and he is in possession. Considering that there is a dispute with regard to factum of physical possession of the subject property, it would be just and proper to direct the parties to approach the competent civil Court to redress their respective grievances. The survey has already been made by the officials and subject to the decision of the competent civil Court, the petitioner or the third respondent may claim to be lawful possession and thereafter, seek for fixation of boundaries depending on the out come of the civil litigation that may be embarked upon either by the petitioner or by the 3rd respondent. Therefore, recording the fact that



W.P.(MD)No.5344 of 2023

WEB COPY

the survey has been completed, the writ petition is disposed of with a liberty to the parties to seek any further relief before the competent civil Court.

7. With the above said observations, this writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No
gvn

27.02.2025



WEB COPY



W.P.(MD)No.5344 of 2023

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WEB COPY



W.P.(MD)No.5344 of 2023

P.B. BALAJI, J.

gvn

Order made in
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