



W.A.(MD)No.981 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.981 of 2021

and

C.M.P(MD)Nos.4436 of 2021 & 305 of 2022

Bala Subramaniyan

... Appellant /
3rd Party

Vs.

1.V.Sankar

... 1st Respondent /
Writ Petitioner

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.The Head Taluk Surveyor,
Palani Taluk,
Dindigul District.

4.The Tahsildar,
Gujiliyamparai,
Dindigul District.

... Respondents 2 to 4 /
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act to allow the appeal and set aside the order of the learned Judge of this Court in W.P(MD)No.8078 of 2021 dated 19.04.2021.



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For Appellant : Mr.T.Anthony Arulraj

For Respondents : Mr.A.Uthayakumar for R.1

Mr.S.RA.Ramachandran
Special Government Pleader
for R.3 & R.4

JUDGMENT

Heard both sides.

2.One V.Sankar filed W.P(MD)No.8078 of 2021 for survey, measuring and fixing boundaries of the petition mentioned property. The said writ petition was disposed of on 19.04.2021 in the following terms:

“6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the impleaded third respondent to act upon the representation made by the petitioner on 23.01.2021 and take a decision regarding the survey of the subject property. The survey shall be conducted in the presence of the other joint owners of the property, in line with the documents relied upon by the parties. This process shall be completed within a period of six(06) weeks from the date of receipt of a copy of this order.”

Challenging the said order, this Writ Appeal has been filed.



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WEB COPY 3.It is not in dispute that Survey No.1483/2 measures a total extent of 1 acre and 20 cents. The appellant herein claims title and possession in respect of 20 cents of land in the said survey number. Since dispute had arisen among the parties, as many as 3 suits came to be instituted. They are O.S.No.258 of 2012 on the file of Sub Court, Vedasanthur, O.S.No.28 of 2020 on the file of Principal District Munsif, Vedasanthur and O.S.No.37 of 2020 on the file of Principal District Munsif, Vedasanthur. There is considerable merit in the contention of the learned counsel for the appellant that when the jurisdictional Court is seized of the matter, it may not be open to the revenue or survey authorities to conduct parallel enquiry or take action. This aspect of the matter was not brought to the notice of the learned Judge by the writ petitioner. Hence, the impugned order has to be set aside and it is accordingly set aside.

4.It is however stated that following the grant of interim order in this Writ Appeal, two of the suits, namely, O.S.Nos.258 of 2012 and 28 of 2020 came to be withdrawn. At present, O.S.No.37 of 2022 is pending on the file of Principal District Munsif, Vedasanthur.



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5.The learned trial Munsif is requested to dispose of the said suit on merits and in accordance with law within a period of twelve months from the date of receipt of a copy of this order. The rights of the parties will abide by the out come of the said suit. We make it clear that we have not gone into the merits of the matter.

6.This Writ Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [M.J.R., J.]
25.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The Tahsildar,
Palani Taluk,
Dindigul District.
- 2.The Head Taluk Surveyor,
Palani Taluk,
Dindigul District.
- 3.The Tahsildar,
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