



W.A.(MD)No.490 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.490 of 2022

and

C.M.P(MD)Nos.4516 & 4515 of 2022

V.Dhanislas

... Appellant /
3rd Party

Vs.

1.A.Amalraj

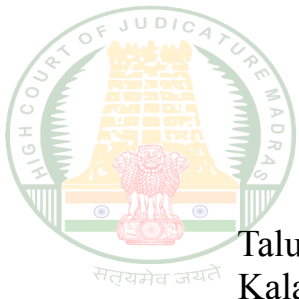
... 1st Respondent /
Petitioner

2.The District Collector,
Office of the District Collector,
Sivagangai District.

3.The Tahsildar,
Office of the Tahsildar,
Land Survey Department,
Kalaiyarkovil Taluk,
Sivagangai District.

4.The Assistant Director,
Survey Department,
Office of the District Collector,
Sivagangai District.

5.The Deputy Inspector,
Survey Department,



W.A.(MD)No.490 of 2022

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Taluk Office,
Kalaiyarkovil Circle,
Sivagangai District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order of the Hon'ble Judge dated 07.04.2022 made in W.P(MD)No. 6463 of 2022 by allowing this Writ Appeal.

For Appellant : Mr.R.Suriyanarayanan

For Respondents : Mr.R.Devaraj for R.1

Mr.S.RA.Ramachandran
Additional Government Pleader
for R.2 to R.5

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.Thiru.A.Amalraj / first respondent herein filed W.P(MD)No.6463 of 2022 for conducting survey of the petition mentioned property. The learned single Judge vide order dated 07.04.2022 directed the official respondents to conduct survey. Aggrieved by the said order, this third party Writ Appeal has been filed.



W.A.(MD)No.490 of 2022

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3.It is brought to our notice that the appellant Danislas has filed O.S.No.174 of 2021 on the file of Sub Court, Sivagangai seeking declaration and permanent injunction. A.Amalraj is figuring as the first defendant in the suit. When the jurisdictional civil Court is seized of the subject matter, it may not be proper for the revenue authority to conduct any parallel survey. In this view of the matter, the order impugned in this Writ Appeal is set aside. The rights of the parties will be governed by the outcome of the civil suit.

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

[G.R.S., J.] [M.J.R., J.]
14.03.2025

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

To

1.The District Collector,
Office of the District Collector,
Sivagangai District.



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W.A.(MD)No.490 of 2022

G.R.SWAMINATHAN,J.

AND

M.JOTHIRAMAN, J.

MGA

- 2.The Tahsildar,
Office of the Tahsildar,
Land Survey Department,
Kalaiyarkovil Taluk,
Sivagangai District.
- 3.The Assistant Director,
Survey Department,
Office of the District Collector,
Sivagangai District.

W.A(MD)No.490 of 2022

- 4.The Deputy Inspector,
Survey Department,
Taluk Office,
Kalaiyarkovil Circle,
Sivagangai District.

Copy to

The Sub Court, Sivagangai.

14.03.2025