



W.P.(MD)No.11798 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.11798 of 2025

Vijaya

... Petitioner

Vs.

1. The Tahsildar,
Tahsildar Office,
Manamelkudi Taluk,
Pudukkottai District.

2. The Surveyor,
Manamelkudi Taluk,
Pudukkottai District.

3. Karupiah

4. Balakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd Respondents to conduct survey and fix boundaries in respect of the survey nos.14/1B2, 14/21A, 14/21B, 14/21C, 14/8A, 21/9 situated at Nilaiyur Village, Manamelkudi Taluk, Pudukkottai District based on petitioner's representation dated on 29.03.2025 and required fees paid on 22.07.2024.

For Petitioner : M/s.A.Banumathy



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For R1 & R2 : Mr.M.Lingadurai,
Special Government Pleader

ORDER

The petitioner seeks issuance of writ of mandamus to survey the petitioner's property based on the application, dated 22.07.2024.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the official respondents.

3. The petitioner has fairly admitted in the affidavit in support of the writ petition that two suits are pending before the competent Civil Court, one by the writ petitioner seeking recovery of possession from the 3rd and 4th respondents and the another one is filed by the 3rd respondent for permanent injunction, restraining the writ petitioner and others from disturbing his peaceful possession and enjoyment. Admittedly the said suits are pending.

4. In the light of the above, proper course would be for the petitioner to make an application in the pending suit filed by the petitioner for recovery of possession by moving an application for appointment of Advocate



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Commissioner to survey the property with the assistance of the Taluk Surveyor.

By entertaining the request under Article 226 of the Constitution of India, it would only lead to multiplicity of proceedings besides also likely to result in conflicting views which may only prejudice the interest of the petitioner.

5. In view of the above, this writ petition is disposed of, with liberty to the petitioner to move an application under Order 26 Rule 9 of the Code of Civil Procedure, seeking appointment of Advocate Commissioner to make a local inspection with the assistance of the Taluk Surveyor, so that the said report of the surveyor can be tested by parties to the *lis* before the competent Civil Court itself.

6. With the above said liberty, this Writ Petition stands disposed of. No costs.

25.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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P.B.BALAJI, J.

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To:

1. The Tahsildar,
Tahsildar Office,
Manamelkudi Taluk,
Pudukkottai District.
2. The Surveyor,
Manamelkudi Taluk,
Pudukkottai District.

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