



W.A.(MD)No.1090 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.1090 of 2020

and

C.M.P(MD)No.5918 of 2020

1.S.A.Xavier
2.Dhanam Xavier

... Appellants /
Respondents 3 & 4

Vs.

1.C.Pragalathan

2.The Commissioner,
Tiruchirapalli City Municipal Corporation,
Bharathidasan Salai,
Cantonment, Tiruchirapalli – 620 001.

... 1st Respondent /
Petitioner

3.The Town Sub Inspector of Survey,
Tiruchirapalli City Municipal Corporation,
Ayiramangalam Zone,
No.18, Palakkarai Main Road,
Palakkarai,
Tiruchirapalli – 620 001.

... Respondents 2 & 3 /
Respondents 1 & 2

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P(MD)No.8962 of 2020 dated 15.10.2020.

For Appellants : Mr.K.R.Laxman



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For Respondents : Mr.H.Lakshmi Shankar
for Mr.Sheena Palanivelu for R.1

Mr.R.Baskaran
for M/s.R.B.Associates for R.2

JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

After hearing the learned counsel on either side, we are of the view that interference with the learned single Judge is not warranted. Paragraph 6 of the order passed by the learned single Judge reads as follows:

“6. At the first blush, the scope of the prayer is very limited and this Court does not want to dwell upon the merits of the matter, as it will affect the rights of either parties. The only plea raised on the side of the Respondents 3 and 4 is that survey should be conducted along with S.No.36. The question as to whether there is a valid rectification deed executed or not and whether the width of the road is 20ft. or 23ft., need to be ascertained by the Surveyor. Therefore, the Respondents 1 & 2 / Corporation are directed to conduct survey in S.Nos.3 to 5, taking note of FMB sketch / layout / sale deed mentioned supra and depending upon the outcome of



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survey, it is open to the parties to redress their grievances before the Appropriate Forum. Since the Writ Petitioner is going to be benefited by the survey, the entire expenses for survey shall be borne by the Writ Petitioner. It is needless to mention that the persons, who are likely to be affected by the survey should be heard.”

After a careful reading of the aforesaid paragraph, we are of the view that the learned single Judge had not directed dispossession of any party. He has only passed an order for survey and measurement alone. Based on the result of survey, the parties will have to establish their claim only before the jurisdictional civil Court. We come to the conclusion that the impugned order passed by the learned single Judge does not prejudice to the rights of either of the parties.

2.This Writ Appeal is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
12.02.2025

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

AND

M.JOTHIRAMAN, J.

MGA

To

- 1.The Commissioner,
Tiruchirapalli City Municipal Corporation,
Bharathidasan Salai,
Cantonment, Tiruchirapalli – 620 001.
- 2.The Town Sub Inspector of Survey,
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Tiruchirapalli – 620 001.

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and

C.M.P(MD)No.5918 of 2020

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