



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 24.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

**W.A(MD)No.877 of 2019
and
C.M.P(MD)Nos.7757,7759 and 11776 of 2019**

Lakshmi Priya

... Appellant/Petitioner

.Vs.

- 1.The Tahsildar,
Taluk office, Kodaikanal Town,
Dindigul District.
- 2.The Town Inspector,
Head Surveyor,
Kodaikanal Taluk Office,
Kodaikanal.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Kodaikanal,
Dindigul District.
- 4.M/s.Hotel Ornate(Nilgriry) Private Limited,
represented by its Managing Director,
No.310, Veer Sarvarkar Marg,
Dadar, Mumbai.



WEB COPY 5.M.Srinivasan

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order passed by this Court in W.P.No.22650 of 2015, dated 8.7.2019.

For Appellant	: Mr.M.Kannan
For Respondents 1 to 3	: Mr.D.Gandhiraj Spl.Govt. Pleader
For Respondents 4 and 5	: Mr.A.Arumugam

JUDGMENT

DR.G.JAYACHANDRAN,J.
AND
R.POORNIMA,J.

The writ appeal is filed seeking to set aside the order passed by the learned Single Judge of this Court in W.P.No.22650 of 2015, dated 8.7.2019.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.W.P(MD)No.22650 is filed seeking issuance of a Writ of Certiorarified



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Mandamus to quash the proceedings,. dated 8.2.2015 to forbear the respondents from interfering with the enjoyment of the property in T.S.No.14/1A(T.S.No.14/1 part), Ward-B, Block-3, Observatory Road, Kodaikanal Town, Dindigul District.The learned Single Judge dismissed the Writ Petition vide order, dated 8.7.2019 holding that the prayer sought for is only a notice and that too, pursuant to the direction issued by this Court. Being aggrieved, the present Writ Appeal is filed and pending for the past six years.

4.According to the learned counsel for the Writ Petitioner/appellant, the Writ Petition ought to have been entertained and notice ought to have been quashed, in view of pending suit. The learned counsel for the appellant would submit that in respect of the property, there is a title dispute and survey of the property has already been conducted and therefore, the impugned notice ought to have been quashed by the learned Single Judge and contrarily, the learned Single had dismissed the Writ Petition.

5.Per contra, the learned Special Government Pleader appearing for the respondents 1 to 3 would submit that pursuant to the order of this Court, survey



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was conducted and insofar as the pendency of the suit is concerned, the parties are now before the Honourable Supreme Court.

6.A perusal of the order impugned in the Writ Petition issued by the first respondent/Tashildar, Kodaikanal vide proceedings, dated 8.12.2015, is in respect of surveying the land in the above said survey number. Though proceedings have been initiated in reference to the direction of this Court in W.P.No.12157/2015 and the Petition given by one M.Srinivasan as well as Contempt Petition(MD)No.1244 of 2015, this Court is of the view that the Tahsildar has the statutory right and responsibility to survey whenever they deem it fit and it cannot be prevented in any manner or restrained by citing civil disputes. In fact, the survey of the land by the authorities will always assist the Court to arrive at a right conclusion regarding the boundaries and extent.

7.In view of the above, the Writ Appeal stands dismissed with costs, being a vexatious litigation. Consequently, connected Miscellaneous petitions are closed.

[G.J.,J.] [R.P.,J.]
24.04.2025



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NCS : Yes/No

Index : Yes / No

Internet : Yes / No

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DR.G.JAYACHANDRAN, J.
and
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JUDGMENT MADE IN

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