



W.P.(MD) No.19370 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.19370 of 2024

R.Sathyamoorthy ... Petitioner

-vs-

1 Tahsildhar,
Karambakudi Taluk Office,
Karambakudi Taluk - 622 302,
Pudukkottai District.

2 Firka Surveyor,
Karambakudi Taluk Office,
Karambakudi Taluk - 622 302,
Pudukkottai District.

3 Ayuthavalli ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, forbearing the respondents No.1 and 2 from conducting survey in the property situated in S.No.226/1A2 in Pilaviduthi village, Karambakudi Taluk, Pudukkottai District, pending disposal of the suit in OS No.7/2024 on the file of learned District Munsif Court, Karambakudi.



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For Petitioner : Mr.R.Maheswaran

For Respondents 1 & 2 : Mr.M.Muthumanikkam,
Govt. Advocate.

For Respondent 3 : Mr.M.Mohamed Ajeesdheen

ORDER

This Writ Petition is filed for a mandamus, forbearing the respondents No.1 and 2 from conducting survey in the property situated in S.No.226/1A2 in Pilaviduthi village, Karambakudi Taluk, Pudukkottai District, pending disposal of the suit in OS No.7/2024 on the file of learned District Munsif Court, Karambakudi.

2. Even from the prayer in the writ petition, it is clear that the suit, filed by the petitioner in O.S.No.7 of 2024 on the file of District Munsif Court, Karambakudi, is pending. In view of the fact that the petitioner has already approached the civil court for relief of declaration, the mandamus, prayed for in the writ petition, cannot be entertained. Instead, the remedy will lie only before the civil court. Therefore, I find no merit in the writ petition and the same is dismissed. In any event, the application of the third respondent, dated 12.04.2024, for survey is pending before respondents 1 and 2. Therefore, respondents 1 and 2 are directed to follow the directions issued by



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this Court in W.P.(MD) No.28143 of 2024, dated 26.11.2024, while considering the third respondent's application, dated 12.04.2024, and, thereafter, conduct survey. No costs.

27.01.2025

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

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To:

- 1 Tahsildhar,
Karambakudi Taluk Office,
Karambakudi Taluk - 622 302,
Pudukkottai District.
- 2 Firka Surveyor,
Karambakudi Taluk Office,
Karambakudi Taluk - 622 302,
Pudukkottai District.



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N.MALA, J.

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