



CONT.P.(MD)No.65 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P.(MD)No.65 of 2023

in

W.P.(MD)No.19601 of 2022

R.Gandhi

... Petitioner

Vs.

1.Jayachandran,
Assistant Director of Survey,
Survey and Settlement Office,
Collectorate Campus, Theni.

2.Saravana Babu,
Tahsildar,
Taluk Office,
Theni Taluk and District.

... Respondents

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondents/contemnors for their willful disobedience of the order passed by this Court in W.P.(MD)No.19601 of 2022 dated 25-08-2022.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader.



CONT.P.(MD)No.65 of 2023

ORDER

WEB COPY

I am satisfied that the order passed by this Court has not been breached.

2.The learned counsel for the petitioner points out that the Hon'ble Division Bench in W.A.(MD)No.489 of 2022 allowed the writ appeal at the instance of the petitioner herein. The order of the Hon'ble Division Bench reads as follows:-

"The third respondent in W.P(MD)No.5922 of 2022 is the appellant herein. One R.Kannan filed W.P(MD)No.5922 of 2022 for conducting survey and fixing boundaries of land in Survey No.415/4B located on Koduvilarpatti Village in Theni Taluk. The writ petition was disposed of on 01.04.2022 with a direction to survey and fix the boundaries of the writ petitioner's property. The learned single Judge specifically stated that notice should be given to Thiru.R.Gandhi / third respondent in the writ petition and rival claimants. Aggrieved by the said order, this Writ Appeal has been filed.

2.The learned counsel appearing for the appellant submits that the appellant (R.Gandhi) was not given notice before conducting survey.



WEB COPY



CONT.P.(MD)No.65 of 2023

3.The learned Additional Government Pleader however disputes the said assertion and states that notice was in fact given.

4.We do not want to go into this aspect of the matter. It has been shown that R.Kannan had filed O.S.No.161 of 2018 before the Sub Court, Theni seeking declaration and permanent injunction in respect of the subject property. The suit was subsequently dismissed as withdrawn on 13.06.2023. When the civil Court was seized of the matter that too in a declaration suit, the question of conducting survey will not arise at all. Thiru.R.Kannan ought not to have filed the writ petition at all. In this view of the matter, the impugned order is set aside.

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

3.Interestingly, the very same logic will apply to the petitioner also. This petitioner had filed W.P.(MD)No.19601 of 2022 and an obtained an order for conducting survey on 25.08.2022. During the relevant time, the civil Court was seized of the matter. Therefore, what applies to Kannan would apply to Gandhi also. If the petitioner is still having any grievance, it is open to the petitioner to file an appropriate civil suit.



CONT.P.(MD)No.65 of 2023

WEB COPY

4.The contempt petition is closed.

19.09.2025

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

To:-

1.Jayachandran,
Assistant Director of Survey,
Survey and Settlement Office,
Collectorate Campus, Theni.

2.Saravana Babu,
Tahsildar,
Taluk Office,
Theni Taluk and District.



WEB COPY



CONT.P.(MD)No.65 of 2023



WEB COPY



CONT.P.(MD)No.65 of 2023

G.R.SWAMINATHAN, J.

ias

Cont.P.(MD)No.65 of 2023
in
W.P.(MD)No.19601 of 2022

19.09.2025