



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1089 of 2022

P.Amutha

... Petitioner

Vs.

1.The District Collector,
O/o. the District Collector,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
Kariyapatti Taluk Office,
Kariapatti,
Virudhunagar District.

3.The Taluk Head Surveyor,
Land Survey Department,
Kariapatti Taluk Office,
Kariapatti,
Virudhunagar District.

4.Sundaram

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the second and third respondents from conducting survey activities in Patta Nos.344, 2224, 2198, 259, 1449, 2860, 2858, 473, 2860 in Survey Nos.12/4C, 2/154, 2/155, 12/6 which is situated at Kambikudi Village, Kariapatti Taluk, Virudhunagar District.

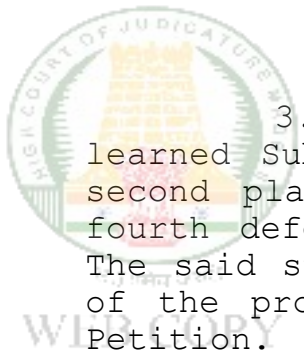
For Petitioner : Mr.A.Abdul Kabur

For R-1 to R-3 : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

Heard Mr.A.Abdul Kabur, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who takes notice for respondents 1, 2 and 3.

2. This Writ Petition, need not have been filed at all.



3. The petitioner had filed O.S.No.84 of 2021 before the learned Sub Court, Aruppukkottai in which the petitioner is the second plaintiff and the fourth respondent shown herein, is the fourth defendant. There are actually 13 defendants in the suit. The said suit had been filed for partition and separate possession of the property which is the subject matter of the present Writ Petition. The suit had also been filed for permanent injunction restraining the defendants therein from dealing with or alienating the property.

4. The same relief is sought herein for a direction against the third respondent not to measure the property.

5. Let me not keep the Writ Petition pending on the file of this Court. The petitioner may well prosecute the suit further. At any rate, a direction is also given to the respondents herein particularly the second and third respondents, before take upon any official work with respect to the property mentioned in the schedule to the plaintiff, realize that the suit is pending, and that it would only be appropriate that any official had done by them should be done only after obtaining permission from the Court where the suit is pending.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
O/o. the District Collector,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
Kariyapatti Taluk Office,
Virudhunagar District.

<https://hcservices.courts.gov.in/hcservices>



3.The Taluk Head Surveyor,
Land Survey Department,
Kariapatti Taluk Office,
Kariapatti,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-2601[F] dated 27/01/2022)

W.P. (MD) .No.1089 of 2022
25.01.2022

RD(07.02.2022) 3P 5C