



WEB COPY

W.P. No.30412 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.30412 of 2023

Rajalakshmi

... Petitioner

Vs.

1. The Tahsildar
Kangeyam Taluk
Tiruppur District

2. The Taluk Surveyor
Kangeyam Taluk
Tiruppur District

3. P.Rathinam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of writ of mandamus directing the respondents 1 and 2 to consider the objection dated 20.06.2023.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 and R2



ORDER

This Writ Petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to consider the objection dated 20.06.2023.

2. The contention of the petitioner is that she is the owner of the subject property. After the death of her husband, the 3rd petitioner herein who is the wife of the brother of the petitioner's husband, started causing troublesome in various way to prevent the petitioner from enjoying the properties. While so, in order to take away right of the petitioner in the pathway and in the Well, the 3rd respondent made an application to survey the land as if, she was the absolute owner of the property and by way of filing a writ petition in W.P.No.5281 of 2023, she also obtained a direction to survey the land. Subsequently, the petitioner was informed through the 1st respondent about the survey to be carried out on 22.06.2023. Immediately, on 20.06.2023, the petitioner gave an objection stating her right in the subject property and the mischief done by the 3rd respondent. However, without considering the same, the official respondents are taking steps to measure the land. Hence, the petitioner has come up with the writ petition seeking a direction to the official respondents to consider her objection. Further, it is stated that the petitioner's son has filed a suit for partition and other reliefs in



respect of the subject property on the file of the Principal District Judge,
Tiruppur.

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3. Heard and perused the records.

4. Since it is stated that already a civil suit is pending between the parties in respect of the subject property, this Court shall not entertain this writ petition.

5. Accordingly, the Writ Petition is dismissed at the admission stage itself. There shall be no order as to costs. The petitioner is at liberty to work out her remedy before the Civil Court in Civil suit.

18.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To

1. The Tahsildar
Kangeyam Taluk, Tiruppur District

2. The Taluk Surveyor
Kangeyam Taluk, Tiruppur District



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P.VELMURUGAN. J.

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