



W.P(MD)No.14077 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14077 of 2022

Sankara Subbu

... Petitioner

Vs.

1.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

2.The Surveyor,
Vembakottai Taluk,
Virudhunagar District.

3.Dhanalakshmi

4.Subbuthai

5.Ayyammal

6.Gurubala

7.Parameswari

8.Mahalakshmi

9.S.Nagarajan

10.S.Hariharan

11.S.Anantharachagan

... Respondents

*(R3 to R11 are impleaded vide order dated
05.08.2022 in W.M.P.(MD)No.11308 of 2022 in
W.P.(MD)No.14077 of 2022 by GRSJ)*



W.P(MD)No.14077 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to survey and thereby issue separate Patta in the name of the Petitioner in respect of the properties in S.No.449 and 444/2 situated in Thulakkankurichi Village, Vembakottai Taluk, Virudhunagar District and the properties in S.No.416/4, 416/5, 416/6 and 421/1 situated in Sippiparai Village, Vembakottai Taluk, Virudhunagar District by considering the application given by the petitioner dated 12.10.2021.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mrs.S.Jeyapriya,
Government Advocate for R1 & R2.
Mr.S.Kadarkarai for R3, R4, R6 & R8.
No appearance for R5, R7, R9 & R11.

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 and 2 and the learned counsel for the respondents 3, 4, 6 and 8.

2.The petitioner wants survey to be conducted in respect of the petition mentioned properties. The petitioner also seeks issuance of separate patta on that basis. It is seen that the petitioner's sisters filed partition suit in O.S.No.64 of 2009 on the file of the learned Sub Court, Sivakasi. The preliminary decree



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was passed. Questioning the same, the petitioner filed A.S.No.25 of 2014 before the learned Additional District Court, Srivilliputhur. The first appellate Court vide judgment and decree 27.02.2020 allowed the appeal and set aside the judgment and decree passed by the trial Court. Aggrieved by the same, the sisters of the petitioner filed S.A.(MD)No.135 of 2022. The private respondents have themselves have not obtained interim stay therein. In the meanwhile, the present writ petition has been filed.

3.I grant eight weeks time to the private respondents herein to file civil miscellaneous petition seeking interim relief and obtain the same. The first respondent will take a call in the matter based on the interim relief that the private respondents may obtain in the meanwhile. If the private respondents are not able to obtain any interim relief in the meanwhile, the first respondent shall proceed further in the matter.

4.With this direction to the first respondent in the aforesaid terms, the writ petition is disposed of. No costs.

24.02.2023

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



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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.
- 2.The Surveyor,
Vembakottai Taluk,
Virudhunagar District.

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