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W.P.(MD)NO.24637 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24637 of 2023 AND
W.M.P.(MD)No.20827 of 2023

Petchiammal

... Petitioner

Vs.

1. The Tahsildar,
Tirumangalam, Madurai District.

2. The Firka Surveyor,
Thirali Bit-I Firka,
Department of Land Survey,
Tirumangalam, Madurai District.

3. Saratha

4. Palanisamy

5. Kannan

6. Suruli

7. Rajeswari

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order in Na.Ka. No.357/2023/E4 dated 05.10.2023 of the first respondent herein and quash the same.



For Petitioner : Mr.T.Pon Ramkumar

For R-1 & R-2 : Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 and 2.

2. The third respondent applied to the first respondent for conducting survey in respect of the petition-mentioned properties. The petitioner offered her objections. The petitioner's objections were overruled by the first respondent. Questioning the same, the present writ petition came to be filed.

3. I called upon the learned counsel appearing for the third respondent to produce individual patta standing in her name. She produced the individual pattas standing in the name of the fourth respondent and his brothers. The petitioner



traces her title to those individual pattadars. Therefore, the request of the third respondent for conducting survey has to be necessarily accepted. At the same time, the rights of the petitioner will have to be respected. The petitioner has filed O.S.No.156 of 2023 on the file of the District Munsif, Thirumangalam seeking partition and other reliefs. The third respondent is figuring as third defendant in the said suit. While the survey may very well go on, the rights of the parties will abide by the outcome of the aforesaid civil suit. Conducting survey will not in any way affect the petitioner's rights in the partition suit. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

01.11.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

PMU

To:

1. The Tahsildar,
Tirumangalam, Madurai District.
2. The Firka Surveyor,
Thirali Bit-I Firka,
Department of Land Survey,
Tirumangalam, Madurai District.

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