



W.P(MD)No.28007 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28007 of 2022

Iswarya

... Petitioner

Vs

1.The District Collector,
Office of the Collectorate Building,
Sivagangai District.

2.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

3.The Inspector of Survey,
Department of Land Survey,
Collectorate Building,
Sivagangai District.

4.Muthupandi

5.Chellammal

6.Muthu

7.Anwar Raja

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 3 to survey the land based on the civil suit pending in O.S.No.71 of 2022 on the file



W.P(MD)No.28007 of 2022

of District Munsif, Manamadurai against the respondents 4 to 7 in respect of Survey No.245/15, to an extent of 270 Sq.ft at Pillaiyarkovil Street, Rajakambeeram Village, Manamadurai Taluk, Sivagangai District by considering the petitioner's representation dated 18.11.2022.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R.1 to R.3

Mr.N.Madhava Govindan
for R.4 to R.7

ORDER

Heard the learned counsel on either side.

2.The prayer in the writ petition is that the authorities must not conduct any survey based on the application of the seventh respondent. Admittedly, the writ petitioner has filed O.S.No.71 of 2022 on the file of District Munsif Court, Manamadurai. The seventh respondent herein is figuring as the fourth defendant (D.4) in the said suit. The suit is for partition and declaration that the sale deeds in question are null and void. The petitioner can very well file an Interlocutory Application before the jurisdictional civil Court in the said suit. Even though the survey authorities are not parties to the main suit, in the Interlocutory Application alone they can be shown as parties.



W.P(MD)No.28007 of 2022

3.The learned counsel appearing for the writ petitioner states that such an Interlocutory Application will be filed from 10 days from the dated of receipt of a copy of this order. On such Interlocutory Application is filed, it shall be disposed of on merits and in accordance with law after hearing the parties concerned within a period of eight weeks thereafter. Till then no survey shall be undertaken in respect of the property. All the contentions of the parties are left open.

4.With this liberty to the writ petitioner to move the jurisdictional civil Court, this writ petition is disposed of. There shall be no order as to costs.

23.01.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

To

- 1.The District Collector,
Office of the Collectorate Building,
Sivagangai District.
- 2.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.
- 3.The Inspector of Survey,
Department of Land Survey,
Collectorate Building, Sivagangai District.



WEB COPY



W.P(MD)No.28007 of 2022

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.28007 of 2022

23.01.2023