



WEB COPY



WP.No.15571 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

WP.No.15571 of 2024  
and W.M.P.No.16955 of 2024

1.Krishnamoorthy  
2.Manimekalai

.. Petitioners

Versus

1.The District Collector  
Collectorate  
Villupuram – 605 602  
Villupuram District

2.The Revenue Tahsildar  
Vikkaravandi Taluk  
Villupuram District

3.The Firka Surveyor  
Vikkaravandi Taluk  
Villupuram District

4.R.Selvaganesh

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from conducting land surveying and over our properties measuring 0.05.0 Hrs, in S.F.No. 253/8, and 0.05.0 Hrs in S.F.No. 263/18, Sathanur Village, Vikkaravandi Taluk, Villupuram District pursuant to the notice in RTR/OPT No. WP.No. 1165/2024 dated 22.05.2024 issued by the 3rd Respondent pending suit in O.S.No. 145 of 2020 on the file of the Learned District Munsif Court, Vikkaravandi (O.S.No. 122 of 2013 - DMC, Villupuram) by considering petitioners representation dated 27.05.2024



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For Petitioner : Mr.N.Manokaran

For Respondents : Mr.P.Sathish for R1 to R3  
Additional Government Pleader

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### **ORDER**

This writ petition is filed for a direction forbearing the respondents 1 to 3 from conducting land surveying and over our properties measuring 0.05.0 Hrs, in S.F.No. 253/8, and 0.05.0 Hrs in S.F.No. 263/18, Sathanur Village, Vikkaravandi Taluk, Villupuram District pursuant to the notice in RTR/OPT No. WP.No. 1165/2024 dated 22.05.2024 issued by the 3rd Respondent pending suit in O.S.No. 145 of 2020 on the file of the District Munsif Court, Vikkaravandi (O.S.No. 122 of 2013 - DMC, Villupuram) by considering petitioners representation dated 27.05.2024

2. It is the contention of the petitioner that the suit is already pending in O.S.No.145 of 2020 on the file of District Munsif Court, Vikkaravandi in respect of the subject property for declaration of title and permanent injunction. Suppressing the same, the fourth respondent obtained an order for surveying the property in W.P.No.1165 of 2024. Hence, this writ petition is filed for restraining the authorities from conducting survey.



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3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record. Since, no adverse order is passed against the fourth respondent, notice to the fourth respondent is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. As both the parties have come before this Court, this Court is of the view that mere surveying the land by the authorities will not affect the right of the parties, let the respondents 2 and 3 survey the land by giving notice to the fourth respondent also, title shall be decided in the Civil Court based on the evidences adduced. Mere survey of the land will not take away the rights. Revenue records shall not be changed. It is open to the parties to place the survey report before the Civil Court for proper appreciation.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.06.2024

dhk

Index : Yes/No

Neutral Citation : Yes/No



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**N. SATHISH KUMAR, J.**

dhk

To

1.The District Collector  
Collectorate  
Villupuram – 605 602  
Villupuram District

2.The Revenue Tahsildar  
Vikkaravandi Taluk  
Villupuram District

3.The Firka Surveyor  
Vikkaravandi Taluk  
Villupuram District

W.P.No.15571 of 2024

18.06.2024  
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