



WEB COPY



W.P.No.26726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.26726 of 2024
and
W.M.P.No.29231 of 2024

A.Senthil Kumar

...Petitioner

Vs.

1. The District Collector,
Thiruppur District.
2. The Revenue Divisional Officer,
Udumalpet, Thiruppur District.
3. The District Revenue Officer,
Thiruppur District.
4. Sub Inspector of Survey,
Thiruppur District.
5. Inspector of Survey,
Thiruppur District.
6. The District Surveyor,
Thiruppur.
7. Babu Kumar
8. J.Sudhakar
9. Dr.P.M.Balasubramaniam
10. Tmt.T.Kalaivani

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, directing the respondents 1 to 6 not to take



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any steps for surveying / sub dividing the property in S.F.No.71/2C, measuring an extent of 15 cents, of Allapalayam Village, udumalaipettai Taluk and sub Registrar office, Trupur Revenue District, contrary to the Civil Court's Judgment and decree dated 11.09.2023 in O.S.No.247 of 2023 on the file of the Sub Court, Udumalpet.

For Petitioner : Mr.A.Sivaji

For R1 to R6 : Mr.S.J.Sathik Mohamed
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents 1 to 6 not to take any steps for surveying / sub-dividing the property in S.F.No.71/2C, measuring an extent of 15 cents, situated at Aalampalayam Village, Udumalpet Taluk and Sub Registrar Office, Tirupur Revenue District, contrary to the Civil Court's Judgment and decree dated 11.09.2023 in O.S.No.247 of 2023 on the file of the Sub Court, Udumalpet.

2. According to the petitioner, he has filed a suit in O.S.No.247 of 2023 before the Sub Court, Udumalpet, for declaration of title and recovery of possession against one Babu Kumar, who is the seventh respondent herein, and obtained a decree on 11.09.2023 in his favour. To execute the said decree,



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he filed a petition in E.P.No.28 of 2024 against the seventh respondent and the same is pending. It is further stated by the petitioner that pending the execution proceedings, the seventh respondent sold the suit property to three persons under the Sale Deeds dated 19.01.2024, 05.02.2024 and 05.02.2024. Now, the official respondents, at the instance of the purchasers / respondents 8 to 10, are taking steps to survey the suit property. Therefore, the petitioner submitted his objections by way of representation dated 30.05.2024 to the second respondent and the same has not been considered till date. Therefore, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate who takes notice for the official respondents and perused the documents enclosed in the typed set of papers.

4. This court is of the view that if the petitioner's title in respect of the subject property was already declared by the civil Court, the petitioner has got valid objections against the survey of the property by the third respondent. The respondents 8 to 10 purchased the said property from the seventh respondent, who suffered the decree. Therefore, the official respondents shall not undertake



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any survey without considering the objections made by the petitioner in his representation dated 30.05.2024. Accordingly, the second respondent is directed to consider the objections of the petitioner dated 30.05.2024 and pass final orders on merits, after issuing notice to the petitioner as well as the contesting respondents 7 to 10, within a period of eight weeks from the date of receipt of a copy of this order.

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

13.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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S. SOUNTHAR, J.

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