



W.P No.30402 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.30402 of 2024

M.Sivagami

...Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Dharmapuri District,
Dharmapuri.

2. The Tahsildar,
Office of the Tahsildar,
Nallampally Taluk,
Dharmapuri District.

3. Land Surveyor,
District Collector's Office,
Nallampalli Circle,
Dharmapuri District.

4. Krishnamoorthy

...Respondents



W.P No.30402 of 2024

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 from did not taking any action with regarding to the properties in Survey Nos.524/6, 538/21, and 501/A13 based on my representation dated 13.09.2024.

For Petitioner : Mr.R.Muruga Bharathi

For Respondents : Mr.S.J.Sathik Mohamed for R1 to R3
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents 1 to 3 not to take any action with regard to the properties in Survey Nos.524/6, 538/21 and 501/A13, 531/1A, 531/1, 121/2, 470/1B, 470/1F and 469/3G, by considering her representation dated 13.09.2024.

2. It is the case of the petitioner that the properties situated in S.Nos.524/6, 538/21 and 501/A13, 531/1A, 531/1, 12/2, 470/1B, 470/1F and



W.P No.30402 of 2024

469/3G, originally belonged to the petitioner's husband and after his death, there is a civil suit pending for partition of the property between the petitioner and other sharers in OS.Nos.174 & 175 of 2024 on the file of the Principal Sessions Judge, Dharmapuri. It is further stated by the petitioner that suppressing the pendency of the suit, the purchaser of a portion of the property from the fourth respondent filed a Writ Petition before this Court in W.P.No.16629/2024 and sought for necessary directions to survey the property situated in S.Nos.524/6, 538/21 and 501/A13. It is further stated that the respondents surveyed the above mentioned property as per the order passed by this Court. The grievance of the petitioner is that the respondents ought not to have surveyed the property during the pendency of the civil suit.

3. In view of the fact that the survey of the property had already been done by the official respondents, no purpose will be served in directing them to consider the representation of the petitioner. However, it is clarified that the findings of the official respondents in the survey conducted by them will not affect the right of the petitioner in the Civil Suit. It is for the petitioner and other sharers to workout their remedy before the Civil Court.



W.P No.30402 of 2024

WEB COPY

4. With the above observations, this Writ Petition is disposed of.

No costs.

17.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

1. The District Collector,
Office of the District Collector,
Dharmapuri District,
Dharmapuri.
2. The Tahsildar,
Office of the Tahsildar,
Nallampally Taluk,
Dharmapuri District.
3. Land Surveyor,
District Collector's Office,
Nallampalli Circle,
Dharmapuri District.



WEB COPY



W.P No.30402 of 2024

S.SOUNTHAR, J.

dna

W.P No.30402 of 2024

17.10.2024