



W.P.(MD)No.11811 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11811 of 2024

and

W.M.P.(MD).No.10540 of 2024

P.Chitradevi

... Petitioner

Vs

1.The Tahsildar,
Srivilliputhur,
Virudhunagar District.

2.The Surveyor,
Srivilliputhur Taluk Office,
Srivilliputhur,
Virudhunagar District.

3.Malathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 and 2 herein from surveying the land in S.No.394/2B to an extent of 25 cents in Srivilliputhur North Village pursuant to the enquiry notice in Na.Ka.S1:483/2024, dated 03.05.2024 and 10.05.2024.



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For Petitioner : Mr.K.Hemakarhikeyan
For R-1 and R-2 : Mr.G.R.Vairam Santhosh
Additional Government Pleader
For R-3 : Mr.M.Karhikeyan

ORDER

Heard both sides.

2. The petitioner wants this Court to forbear the authorities from conducting survey at the instance of the third respondent. Admittedly, the third respondent has filed a counter affidavit and the learned counsel for the third respondent took me through its contents.

3. Admittedly, the property belongs to one Rajaguru, the father of the petitioner and since Rajaguru passed away, it devolved on the wife, sons and two daughters. The petitioner is one of the daughters. The third respondent's husband had transaction with the petitioner's mother and brothers. The petitioner was not a party to the said sale deed. Therefore, the petitioner subsequently filed O.S.No.146 of 2011 on the file of the learned Principal Sub Court, Srivilliputhur and obtained preliminary decree of 2/7th share for herself and her sister Annalakshmi. Now, the final decree petition has been filed.



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Since the partition proceedings are yet to attain finality, the question of conducting survey at the instance of one party will not arise at all.

4. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Tahsildar,
Srivilliputhur,
Virudhunagar District.
- 2.The Surveyor,
Srivilliputhur Taluk Office,
Srivilliputhur,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

Nsr

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