



W.P.(MD) No.11874 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.11874 of 2023

and

W.M.P.(MD) Nos.10303 and 10305 of 2023

D.Sendukodi

.. Petitioner

Vs.

1.The Tahsildar,
Thiruparankundram Taluk,
Madurai District.

2.M.Arjunan

3.P.Shanthi

4.P.Rajan

5.P.Mayakannan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in ATHUMAL/RTR:FL 242/2023, dated 28.04.2023 and set aside the same as illegal and consequently direct the first



W.P.(MD) No.11874 of 2023

respondent not to take any further steps in respect of the petitioner's land, pending suit in O.S.No.86/2007, on the file of the District Munsif Court, Tirumangalam, within a time frame to be fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran
For R1 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

Challenging a notice of the first respondent dated 28.04.2023, intimating only the private respondents about the survey and fixation of boundaries in respect of S.No.138/3B on 02.05.2023, the writ petitioner is before this Court seeking to issue a writ of certiorarified mandamus to declare the notice as illegal and direct the first respondent not to proceed with the survey.

2. The ground on which the petitioner seeks the aforesaid direction is on account of the pendency of the suit in O.S.No.86 of 2007 pending on the file of the Additional District Munsif Court, Tirumangalam, which is the suit filed by the petitioner herein along with her siblings against



W.P.(MD) No.11874 of 2023

respondents 2 to 5 and others for declaration that they are the absolute owners of the property and for a permanent injunction.

3. The learned counsel for the private respondents had stated that the suit has been dismissed for default on 03.08.2024.

4. However, it is now brought to the notice of this Court that an application in I.A.No.6 of 2024 is pending to restore the suit to file. Therefore, at this juncture, when the issue of title is under contest before a civil Court, the Revenue Authorities cannot proceed with the survey of the lands in question and shall await the decision of the civil Court. The parties can move the Revenue Authority for survey, as and when the suit is disposed of.

5. With the above direction, this Writ Petition is allowed. Taking into considering the fact that the suit has been instituted as early as in the year 2007, the learned Additional District Munsif, Tirumangalam, shall endeavour to dispose of the suit in O.S.No.86 of 2007 within a period of



W.P.(MD) No.11874 of 2023

six months from the date of receipt of a copy of this order. No costs.

Consequently, connected miscellaneous petitions are closed.

25.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

The Tahsildar,
Thiruparankundram Taluk,
Madurai District.



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W.P.(MD) No.11874 of 2023

P.T.ASHA, J.

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