



W.P.(MD) No.19826 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.19826 of 2024
and
W.M.P(MD)No.16796 of 2024

G.Ganesh Babu

.. Petitioner

Vs.

1.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

2.The Sub Divisional Surveyor,
Kadalaludi Sub Division,
Vilathikulam Taluk,
Thoothukudi District.

3.Ramuthai

.. Respondents

Prayer :- Writ 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 notice dated 06.08.2024 issued by the 2nd respondent and quash the same as illegal and consequently, forbearing the respondent No.1 and 2 from conducting



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survey in respect of the property comprised in Old S.No.50/8, New Survey No.50/8C situated at Madalapuram Village, Vilathikulam Taluk, Thoothukudi District on the basis of the objection dated 08.08.2024.

For Petitioner :Mr.C.Senthil Murugan
For R1 to R3 :Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed challenging the impugned notice dated 06.08.2024 issued by the second respondent and quash the same as illegal and consequently, to forbear the first and second respondents from conducting survey in respect of the property comprised in Old S.No.50/8, New Survey No.50/8C situated at Madalapuram Village, Vilathikulam Taluk, Thoothukudi District, on the basis of the objection dated 08.08.2024.

2.The case of the petitioner is that the land in old S.No.50/8, New S.No.50/8C to an extent of 48 cents belonged to his grandfather viz., Sreeranga Bommu Chettiar, who during his life, executed a Will dated 01.07.1985 where under an extent of 10 cents in the aforesaid survey number was bequeathed in favour of the petitioner's mother Janaki @



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Muniammal. After the death of his grandfather on 01.01.1995, the Will came into force and the property was devolved on his mother. Since then the petitioner's mother was in possession and enjoyment of the property. In view of the health condition of his mother, the property was looked after by the petitioner and his brother. In such circumstances, the third respondent was trying to mutate the patta in her name, in respect of the land comprised in Old S.No.50/8 New S.No.50/8C. On coming to know about that the petitioner's mother had given a representation on 28.08.2023 to the Revenue Divisional Officer, seeking separate patta on the basis of the Will. The Revenue Divisional Officer, Kovilpatti, vide letter dated 08.09.2023, directed the first respondent to conduct enquiry and submit a report. However, the first respondent had not conducted any enquiry. Therefore, the petitioner's mother filed a suit in O.S.No.55 of 2023 before the District Munsif Court, Vilathikulam, for declaration and permanent injunction.

3.The third respondent, by suppressing these facts, filed a writ petition in W.P(MD)No.11914 of 2024 without impleading the



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petitioner's mother before this Court and this Court also disposed of the said writ petition by issuing certain direction. Based upon which, the second respondent issued notice dated 08.08.2024 to the petitioner stating that survey will be conducted on 20.08.2024. Subsequently, on 08.08.2024 the petitioner gave his explanation cum objection to the first and second respondents. So far no action has been taken. The present writ petition is filed.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents.

5.Admittedly, since the suit in O.S.No.55 of 2023 for declaration and permanent injunction with regard to the said property is pending, survey in respect of the property in question cannot be granted. After the disposal of the suit, the request of the petitioner shall be renewed. However, the suit is of the year 2023, the learned District Munsif, Vilathikula, is directed to dispose of the suit as expeditiously as possible.



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6. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

To

1. The Tahsildar,
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2. The Sub Divisional Surveyor,
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P.T.ASHA, J.
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