



*WP(MD)No.27587 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024e

CORAM

**THE HON'BLE MRS.JUSTICE N.MALA**

**W.P(MD)No.27587 of 2024**  
**and W.M.P(MD)No.23409 of 2024**

Jeyarani

...Petitioner

Vs.

1.The Thasildar,  
Tisayanvilai Taluk,  
Tirunelveli District.

2.The Taluk Head Surveyor,  
Tisayanvilai Taluk,  
Tirunelveli District.

3.The Revenue Sub Inspector,  
Office of the Tahsildhar,  
Tisaiyanvilai Taluk,  
Tirunelveli District.

4.Kodishvaran

...Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India to issue a writ of certiorari calling for the records pertaining to the impugned notice issued by the third respondent dated 11.11.2024 and quash the same as illegal.

For Petitioners : Mr.R.Balakrishnan

For R1 to R3 : Mr.A.Kannan

Additional Government Pleader

For R4 : Mr.G.Sujeeth

**ORDER**

This Writ Petition is filed for issuance of writ of certiorari to quash the impugned notice issued by the third respondent dated 11.11.2024.



*WP(MD)No.27587 of 2024*

2. The petitioner along with her mother Packiam Ammal and Jebathurai filed a suit in O.S.No.110 of 2020, on the file of the District Munsif, Nanguneri, for the relief of declaration and permanent injunction as certain disputes arose with regard to the title to the property in S.No. 39/4A2, Vijayanarayanam Part-II Village, Tisaiyanvilai Taluk, Tirunelveli District to an extent of 0.02.50 hectares (6 cents).

3. While so, the fourth respondent filed WP(MD)No.7743 of 2024 for mandamus directing the respondents 1 and 2 to conduct survey and fix four boundaries of the lands in S.No.39/4A2, without impleading the petitioner as party respondent. This Court, vide order dated 27.03.2024, disposed of the said Writ Petition with directions stated therein. On 22.05.2024, the first respondent, following the directions of this court in the aforesaid Writ Petition, served survey notice to the petitioner. The petitioner challenged the said survey notice before this Court in W.P(MD)No.12047 of 2024. This Court, vide order dated 01.08.2024, directed the petitioner to obtain an order of interim injunction from the civil court within a period of five weeks from 01.08.2024. The petitioner filed an application in I.A.No.7 of 2024 in O.S.No.110 of 2020, seeking to implead the fourth respondent as the defendant in the suit. In the said



*WP(MD)No.27587 of 2024*

application, notice was served on the fourth respondent and he took time to file counter.

4. According to the petitioner, because of the delaying tactics of the fourth respondent, the petitioner was not able to obtain necessary orders as directed by this Court from the civil court. At this juncture, the third respondent issued the impugned notice of survey stating that the same would be carried out on 18.11.2024. Aggrieved by the impugned notice issued by the third respondent, the petitioner has filed the above Writ Petition for the aforesaid relief.

5. The learned counsel for the petitioner submitted that the impugned notice was without jurisdiction inasmuch as the civil suit is pending between the petitioner and the fourth respondent. The learned counsel for the petitioner would further submit that the fourth respondent is trying to grab the petitioner's property and with that intention, he urged for survey, which is in violation of the orders passed by this Court in W.P(MD)No.12047 of 2024.

6. The learned Additional Government Pleader as well as the



***WP(MD)No.27587 of 2024***

learned counsel for the fourth respondent submitted that there is violation of the orders passed by this Court in W.P(MD)No.12047 of 2024, as the petitioner failed to utilize the opportunity given by this Court to obtain appropriate orders from the civil court. Since the respondents 1 to 3 were facing contempt before this Court in Cont.P(MD)No.2438 of 2024, the impugned notice was issued. Therefore, the learned Additional Government Pleader and the learned counsel for the fourth respondent submitted that there was no merit in the Writ Petition and the same deserved to be dismissed.

7. I have given my anxious consideration to the submissions made by the counsels and perused the materials available on record. With the consent of the counsels, the writ petition is disposed of at the admission stage.

8. The relevant portion of the order in WP(MD)No.12047 of 2024, dated 01.08.2024 is as follows:

"2.The petitioner challenges the survey notice issued by the 2<sup>nd</sup> respondent. The 3<sup>rd</sup> respondent has given survey application. It is seen that the 3<sup>rd</sup> respondent is having patta in his favour. It is true that the petitioner has filed O.S.No.



110 of 2020 on the file of the District Munsif Court, Nanguneri. The petitioner is given five weeks time from today to obtain injunction. In the Interlocutory Application, the 3<sup>rd</sup> respondent herein shall be impleaded. After hearing both sides, the trial Court will dispose of the same on merits and in accordance with law. The petitioner is given only five weeks breathing time in this regard. If the petitioner fails to obtain any interim order, the respondents 1 and 2 can very well go ahead with the survey exercise".

9. The order is very clear. Five weeks time was given to the petitioner to obtain interim order from the civil court. It was further clarified that if the petitioner failed to obtain injunction order within five weeks, the respondents could go ahead with the survey. It is also seen that contempt proceeding in Con.P(MD)No.2438 of 2024 was filed by the fourth respondent, on the basis of the order passed by this Court.

10. In view of the fact that the petitioner was not able to obtain interim order from the civil court within the breathing time given by this Court and as Contempt proceedings are pending against the official respondents, the writ petition challenging the survey notice cannot be entertained. In view of the fact that the fourth respondent is also adopting



**WP(MD)No.27587 of 2024**

delaying tactics in the suit, I deem it appropriate to direct the respondents 1 to 3 to consider the objections of the petitioner to the enquiry notice as per the directions issued by this Court in W.P(MD)No.12047 of 2024, and thereafter conduct survey by strictly following the directions issued therein.

**11.** This Writ Petition is disposed of with the said directions. No costs. Consequently, the connected miscellaneous petition is closed.

**18.11.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
CM

To,  
1.The Thasildar,  
Tisayanvilai Taluk,  
Tirunelveli District.

2.The Taluk Head Surveyor,  
Tisayanvilai Taluk,  
Tirunelveli District.

3.The Revenue Sub Inspector,  
Office of the Tahsildhar,  
Tisaiyanvilai Taluk,  
Tirunelveli District.



WEB COPY



***WP(MD)No.27587 of 2024***

**N.MALA,J.**

CM

**W.P(MD)No.27587 of 2024**  
**and W.M.P(MD)No.23409 of 2024**

18.11.2024