



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4190 of 2025
and W.M.P.Nos.4681 & 4682 of 2025

Kanchana

... Petitioner

Vs.

1.The District Collector,
Salem.

2.The Tahsildar,
Mettur, Salem District.

3.The Taluk Surveyor,
Taluk Officer Mettur,
Salem District.

4.The Village Administrative Officer,
Pukkampatti Village,
Mettur Taluk,
Salem District.

5.The Inspector of Police,
Mecheri Police Station,
Mecheri, Mettur Taluk,
Salem District – 636 453.

6.Palanisamy

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the notice issued by the 3rd respondent dated 6/1/2025 and quash the same consequently directed the respondents 1 to 5 not to interfere the possession and enjoyment of the petitioner's property in S.No.164/3, 167/3G1 at Pukkampatti Village, Mettur Taluk, Salem District until disposal of the suit on the file of Sub Court Mettur in O.S.No.150 of 2024.

For Petitioner : Mr.T.Ganesan
For Respondents : Mr.P.Sathish
Additional Government Pleader
for R1 to R4

Mr.V.J.Priyadarsana
Government Advocate for R5

ORDER

This writ petition has been filed challenging the impugned notice issued by the 3rd respondent dated 06.01.2025 and for a consequential direction to the respondents not to interfere with the possession and enjoyment of the subject property pending disposal of the suit in O.S.No.150 of 2024.

2.Heard Mr.T.Ganesan, learned counsel appearing on behalf of the petitioner, Mr.P.Sathish, learned Additional Government Pleader appearing on



behalf of respondents 1 to 4 and Mr.V.J.Priyadarsana, learned Government Advocate (Criminal Side) appearing on behalf of the 5th respondent.

3.The main grievance that was expressed by the learned counsel for the petitioner is that the 6th respondent by concealing the fact that a suit is pending in O.S.No.150 of 2024 on the file of the learned District Munsif, Mettur, managed to get an order before this Court by filing writ petition in W.P.No.31674 of 2024 dated 28.10.2024 and based on the same, attempts are made to survey the property and to mark the boundaries. In view of the same, the notice that was issued by the 3rd respondent has been put to challenge.

4.The learned Additional Government Pleader appearing on behalf of respondents 1 to 4 and the learned Government Advocate (Criminal side) appearing on behalf of the 5th respondent submitted that already the survey has been conducted and the boundaries have been marked.

5.In the considered view of this Court, the survey has already been conducted and the boundaries have been marked and therefore, there is nothing



much to interfere with the notice issued by the 3rd respondent for conducting the survey. However, considering the grievance expressed by the petitioner, it is made abundantly clear that the survey that was conducted by the 3rd respondent pursuant to the orders passed by this Court, will not in any way have a bearing on the right of the petitioner in the subject property that has been claimed in the suit and the case shall be decided on its own merits and in accordance with law by the Trial Court without being influenced by the order passed in the writ petition and the subsequent survey that was conducted by the 3rd respondent. This clarity will safeguard the interest of the petitioner.

6.This writ petition is disposed of in the above terms. No Costs.
Consequently, connected miscellaneous petitions are closed.

14.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



To

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N. ANAND VENKATESH, J.

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