



Writ Petition No.8530 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.8530 of 2025

Malarkodi
W/o.Dasaraj

... Petitioner

Vs.

1.The District Collector,
Thirupathur District,
Thirupathur.

2.The Tahsildar,
Vaniyambadi Taluk,
Thirupathur District.

3.The Taluk Surveyor,
Vaniyambadi Taluk,
Thirupathur District.

4.Rajakumari
W/o.Ganesan

5.Chellammal
W/o.Ramalingam

6.M.Kumarasamy
S/o.Late P.Margabandhu

7.S.Samidass
S/o.Samudi

... Respondents

Writ Petition filed under Article 226 of the Constitution of



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India seeking issuance of a Writ of Mandamus directing the third respondent not to conduct the survey in S.F.No.426/1 (1.17¼ acres) S.F.No.427/2 (1.67 acres) S.F.No.428/1A (0.17 ½ cents) including one Well, 3 H.P.Electric Motor in Sankarapuram Village, Vadakupattu Village, Madura, Vaniyambadi Taluk, Thirupathur District, by considering the petitioner's representation dated 19.02.2025.

For Petitioner : Mr.M.Guruprasad
For Respondent : Mr.P.Sathish
Additional Government Pleader
[R1 to R3]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the third respondent not to conduct any survey in the subject property based on the objections submitted by the petitioner on 19.02.2025.

2. Heard Mr.M.Guruprasad, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for respondents 1 to 3.

3. The specific case of the petitioner is that a suit was filed in O.S.No.235 of 1995 on the file of District Munsif cum Judicial



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Magistrate, Vaniyambadi, by the petitioner, his brother and mother seeking for the relief of declaration of title and permanent injunction with respect to the subject property. The suit was contested by the respondents 4 and 5 and the suit was dismissed by judgment and decree dated 10.01.2010. Aggrieved by the same, an appeal was filed in A.S.No.29 of 2011 and the same was dismissed by judgment and decree dated 25.04.2014. Challenging the same, S.A.No.1205 of 2014 was filed before this Court and the same is pending. In the mean time, the respondents 4 and 5 along with their mother filed a suit in O.S.No.241 of 1995 before the District Munsif-cum-Judicial Magistrate, Vaniyambadi and this suit was dismissed for default on 20.08.2001.

4. The respondents 4 and 5 are said to have alienated the subject property to the sixth respondent through a registered sale deed dated 25.04.2019. The sixth respondent once again alienated the property in favour of the seventh respondent through a registered sale deed dated 24.12.2024 vide document No.10289 of 2024. Based on the same, patta was also granted in the name of seventh respondent in patta No.1193. An attempt was made to survey the subject property and hence, the petitioner filed an objection on 19.02.2025 not to survey the property in the light of



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the pending second appeal before this Court. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Learned Additional Government Pleader, on instructions, submitted that till date, no application was submitted for conducting survey in the subject property. As and when any such application is given, the objection given by the petitioner on 19.02.2025 will be taken into account and a decision will be taken by the respondents 2 and 3.

6. Taking into consideration the facts and circumstances of the case and the materials placed before this Court and considering the submissions made by the learned Additional Government Pleader, there shall be a direction to the respondents 2 and 3 to deal with the objection/representation made by the petitioner on 19.02.2025 whenever any application is submitted for survey of the subject property. The objections made by the petitioner shall be taken into account before taking a decision.

This writ petition is disposed of in the above terms. No costs.



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Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

1.The District Collector,
Thirupathur District,
Thirupathur.

2.The Tahsildar,
Vaniyambadi Taluk,
Thirupathur District.

3.The Taluk Surveyor,
Vaniyambadi Taluk,
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N.ANAND VENKATESH, J

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