



WP.No.34324 of 2024

In the High Court of Judicature at Madras

Dated : 05.2.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.34324 of 2024

S.Pachai

...Petitioner

Vs

1.The Tahsildar, Avadi Taluk
Office, Avadi, Chennai-56.

2.The Surveyor, Kovilpadhagai
Village, Avadi Taluk, Chennai-56.

3.C.Vinoth

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents not to conduct the survey measurement of the property bearing S.Nos.313 & 323 situated at Kovilpadhagai Village, Avadi Taluk, Ambattur SRO, Thiruvallur District and thereafter direct not to issue any patta in the name of the third respondent for the aforesaid property till the disposal of the final decree of the suit in O.S.No.22 of 2024 which is pending on the file of the Sub-Court, Ambattur.

For Petitioner	:	Ms.K.Sindhuja
For R1 & R2	:	Mr.M.R.Gokul Krishnan, AGP
For R3	:	Served & No appearance



WP.No.34324 of 2024

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ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus directing respondents 1 and 2 not to conduct any survey in respect of the property in S.Nos.313 & 323 situated at Kovipadhagai Village, Avadi Taluk, Ambattur SRO, Thiruvallur District till the disposal of the partition suit pending in O.S.No.22 of 2024 on the file of the Sub-Court, Ambattur.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2. Though the third respondent was served and his name printed in the cause list, he has not chosen to appear either in person or through a counsel.

3. The learned Special Government Pleader appearing for respondents 1 and 2 has produced the written instructions dated 24.11.2024 received from the first respondent. On going through the same, it is seen that the first respondent is also aware of the fact that the partition suit is pending in O.S.No.22 of 2024 on the file of the Sub-Court, Ambattur.



WEB COPY



WP.No.34324 of 2024



WP.No.34324 of 2024

4. An averment has been made in the affidavit filed in support of the writ petition that the case is at the stage of considering two interlocutory applications filed by the petitioner seeking to condone the delay and to set aside the order setting the petitioner ex parte. When the matter is pending before the competent Civil Court, if any survey is to be conducted, an application should be moved before the Civil Court seeking to conduct the survey with the help of a surveyor. A representation cannot be independently made before the Revenue Authorities to conduct a survey in respect of the subject property since it will affect the rights of the parties to the suit. The first respondent is also aware of the fact that the suit is still pending and therefore, the representation made by the third respondent seeking to conduct a survey has not been acted upon. The first respondent shall wait for the outcome of the said suit and till then, he shall not interfere with the dispute between the parties.

5. The writ petition is disposed of with the above directions. No costs.

05.2.2025



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WP.No.34324 of 2024

N.ANAND VENKATESH,J

RS

To

- 1.The Tahsildar, Avadi Taluk
Office, Avadi, Chennai-56.
- 2.The Surveyor, Kovilpadhagai
Village, Avadi Taluk, Chennai-56.

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