

W.P.(MD) No.748 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2025

CORAM

THE HON'BLE MRS. JUSTICE N.MALA

W.P.(MD) No.748 of 2025

and

W.M.P.(MD) No.484 of 2025

S.Dharmalingam

... Petitioner

Vs.

1.The Tahsildar,
Madurai North Taluk Office,
Madurai.

2.The Head Surveyor,
Madurai North Taluk Office,
Madurai District.

3.The Sub Registrar,
Office of Pothumbu Sub Registrar,
Pothumbu, Madurai District.

4.K.Meenakshi

5.A.Balamurugan

6.R.Vivek

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus directing the first and second



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respondents to conduct the proper enquiry and don't take any attempt to survey the property situated at S.No.173/4B, Pothumbu Bit-I Village, Madurai North Taluk, Madurai District pending disposal of the suit in O.S.No.232 of 2024 on the file of the VI Additional District Court, Madurai District, by considering the petitioner's representation dated 12.05.2024 within the time frame fixed by this Court.

For Petitioner : Mr.G.Sakthi Rao

For R1 to R3 : Mr.A.Kannan
Additional Government Pleader

For R4 & R5 : Mr.M.Venkatesan

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus directing the first and second respondents to conduct a proper enquiry and not to conduct a survey of the property situated at S.No.173/4B, Pothumbu Bit-I Village, Madurai North Taluk, Madurai District, pending the disposal of the suit in O.S.No.232 of 2024 on the file of the VI Additional District Court, Madurai District, by considering the petitioner's representation dated 12.05.2024 within the time frame fixed by this Court.



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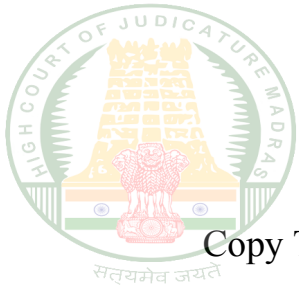
WEB COPY 2. From the prayer of this Writ Petition, it is clear that the suit in O.S.No.232 of 2024 has been filed before the VI Additional District Court, Madurai District, and the same is pending. All the reliefs claimed in this Writ Petition can very well be agitated before the Civil Court. It is pertinent to note that the petitioner has filed the suit for specific performance of the contract and also for a permanent injunction restraining the defendant, the fourth respondent herein, from alienating the property to third parties. It is evident from the prayer in the suit that the petitioner as of now has no right/title over the property. Therefore, I do not find any merit in this Writ Petition. It is open to the petitioner to approach the Civil Court for appropriate relief.

3. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

10.01.2025

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

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N.MALA, J.

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