



W.P.(MD) No.2322 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.2322 of 2025

K.Murugesan

...

Petitioner

-vs-

1 The Tahsildar,
Peraiyur Taluk,
Madurai District.

2 Sundarammal

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 1st respondent to not to conduct survey in the property situated in S.No.37/9, 37/10, and 37/11 of Chinnapoolampatti Village, Peraiyur Taluk, Madurai District, till the disposal of the civil suit filed by the petitioner in O.S.No.73/2021 on the file of the Learned District Munsif Court Peraiyur, based on the petitioner's preliminary objection, dated 24.12.2024.



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For Petitioner : Mr.G.R.Satish

For Respondent 1 : Mr.A.Kannan,
Addl. Govt. Pleader.

For Respondent 2 : Mr.K.R.Laxman

ORDER

The petitioner has filed this Writ Petition for a mandamus, directing the 1st respondent not to conduct survey of the property situated in S.No.37/9, 37/10, and 37/11 of Chinnapoolampatti Village, Peraiyur Taluk, Madurai District, till the disposal of the civil suit filed by the petitioner in O.S.No.73/2021 on the file of the Learned District Munsif Court Peraiyur, based on the petitioner's preliminary objection, dated 24.12.2024.

2. Admittedly, the second respondent filed W.P.(MD) No.17894 of 2024 for a mandamus, directing the first respondent therein – Tahsildar, to instruct the second respondent – Head Surveyor to survey her lands in S.No. 37/9, 37/10, and 37/11 of Chinnapoolampatti Village, Peraiyur Taluk, Madurai District, as per her application, dated 27.07.2024. In the said Writ Petition, this Court, vide order, dated 31.07.2024, issued a slew of directions for conduct of survey.



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3. Admittedly, the petitioner submitted his objections to the survey on 24.12.2024. On receipt of the said objections, the first respondent issued enquiry notice to the petitioner, fixing the date of hearing on 02.01.2025. On the said date, the petitioner appeared for enquiry and the same was adjourned to 20.01.2025. While so, without even waiting for conclusion of the enquiry proceedings, the petitioner has filed the above writ petition for the aforesaid relief.

4. The first respondent issued notice of enquiry to the petitioner and the said enquiry is pending. The petitioner has also filed objections to the survey. While so, the petitioner, without even waiting for the result of the enquiry, has rushed to this Court, by way of this Writ Petition. I am, therefore, of the view that the writ petition is premature and the same cannot be entertained. It is seen that, even otherwise, as per direction (V) of this Court, in its order, dated 31.07.2024 in W.P.(MD) No.17894 of 2024, reasonable time is to be given to the interested persons and objectors to approach the civil court for injunction, restraining the officials from conducting survey. It is open to the petitioner to approach the civil court for injunction. Without exhausting the said remedy, the petitioner has filed this Writ Petition.



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5. I, therefore, find that the Writ Petition is bereft of merit and hence the same is dismissed. No costs.

28.01.2025

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

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To:

The Tahsildar,
Peraiyur Taluk,
Madurai District.



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N.MALA, J.

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