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W.A.(MD)NO.411 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)No.411 of 2021 AND
C.M.P.(MD)No.1526 & 7116 of 2021

1. Dheen Mohamed
2. Riyaz Dheen ... Appellants / Respondents 4 & 5

Vs.

1. The Tahsildar,
Aruppukottai Taluk,
Aruppukottai,
Virudhunagar District.
2. The Taluk Surveyor(Land Survey),
Tahsildar Office,
Aruppukottai,
Virudhunagar District.
3. The Sub Inspector of Police,
Paralachi police station,
Paralachi,
Aruppukottai Taluk,
Virudhunagar District. ... Respondents /
Respondents 1 to 3
4. Muthukaruppan ... Respondent / Writ Petitioner



Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P.No.15232 of 2020 dated 01.12.2020.

For Appellant : Mr.S.Krishnan

For R-1 & R-2 : Mr.S.R.A.Ramachandran,
Additional Government Pleader.

For R-3 : Mr.A.Albert James

For R-4 : Mr.A.Srinivasan

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The appellants herein filed O.S.No.145 of 2002 on the file of the Additional District Munsif Court, Aruppukottai seeking permanent injunction to restrain the fourth respondent and others from interfering with the plaintiffs' right to enjoy the suit property. According to the plaintiffs, the suit property is a cart track. According to the fourth respondent herein and others, the suit property is their patta property. The suit was dismissed on



08.11.2019. Therefore, the fourth respondent herein applied to the competent authority for conducting survey and measurement. Since no action was taken on the application, the fourth respondent herein filed W.P.(MD)No.15232 of 2020 for directing the revenue authorities to survey the land in question(survey No.549/90) Poolangal Village, Aruppukottai Taluk). The writ petition was allowed by the learned single Judge on 01.12.2020. Aggrieved by the same, this writ appeal has been filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the appellants submitted that aggrieved by the disposal of their suit, they have filed A.S.No.5 of 2020 before the Sub Court, Aruppukottai.

4. We are of the view that when the civil Court is seized of the matter, it may not be proper on the part of the revenue authorities to conduct survey. Therefore, we direct the revenue authorities to await the outcome of A.S.No.5 of 2020. Since the said appeal is more than four years old, we request the learned Sub Judge, Aruppukottai to



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G.R.SWAMINATHAN,J.

AND

M.JOTHIRAMAN, J.

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