



W.P.(MD) No.4369 of 2023

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

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DATED: 16.07.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.4369 of 2023
and W.M.P.(MD)No.4104 of 2023

S.Sivasubramanian

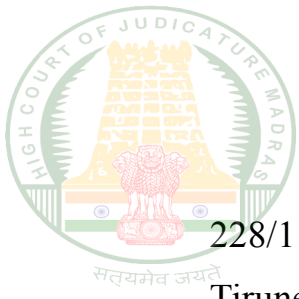
... Petitioner

Vs

1. The Tahsildar,
Thisaiyanvilai Taluk,
Taluk Office,
Thisaiyanvilai,
Tirunelveli District.
2. The Head Surveyor,
Thisaiyanvilai Taluk,
Taluk Office,
Thisaiyanvilai,
Tirunelveli District.
3. The Inspector of Police,
Thisaiyanvilai Police Station,
Thisaiyanvilai.
4. K.H.Meera

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Writ of Mandamus, directing the respondents 1 to 3 to take action on the petitioner's representation dated 26.02.2023 seeking not to survey the property in Survey No.



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228/11A1 situated at Thisaiyanvilai Village, Thisaiyanvilai Taluk, Tirunelveli District, till the disposal of the suit in O.S.No.334 of 2022 on the file of the IV Additional District Court, Tirunelveli.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.A.Baskaran,
Addl. Govt. Pleader for R1 & R2
Mr.M.Vaikam Karunanithi,
Govt. Advocate (Crl. Side) for R3
No Appearance for R4

ORDER

This Writ Petition is filed seeking a direction to the respondents 1 to 3 to consider the representation of the petitioner dated 26.02.2023, not to survey the property in Survey No.228/11A1, in Thisaiyanvilai Village, Thisaiyanvilai Taluk, Tirunelveli District, till the disposal of the suit in O.S.No.334 of 2022 on the file of the IV Additional District Court, Tirunelveli.

2. Heard the arguments of Mr.R.J.Karthick, learned counsel for the petitioner, Mr.A.Baskaran, learned Additional Government Pleader appearing for respondents 1 and 2 and Mr.M.Vaikam Karunanithi,



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learned Government Advocate (Crl. Side) appearing for the third respondent.

3. According to the petitioner, the subject property in Survey No. 228/11A1 belongs to him and he filed a suit seeking declaration of title and injunction in O.S.No.334 of 2022, on the file of IV Additional District Court, Tirunelveli and the same is pending. In the meantime, on the basis of the order obtained by the fourth respondent in W.P.(MD)No. 26281 of 2022, the official respondents attempted to survey the property. Therefore, the petitioner has come before this Court.

4. A perusal of the affidavit and the typed set of papers would establish that the fourth respondent filed a Writ Petition in W.P.(MD)No. 26281 of 2022 seeking survey of her property situated in S.No.228/3. The petitioner seeks a direction to the respondents not to survey his property situated in S.No.228/11A1. The direction issued by this Court in the earlier Writ Petition in W.P.(MD)No.26281 of 2022 is regarding S.No.228/3. Therefore, based on the said order, the official respondents are not entitled to survey the property of the petitioner located in different survey number.



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5. In these circumstances, the first respondent is directed to consider the representation of the petitioner dated 26.02.2023 and pass final orders on its own merits, after issuing notice to the petitioner and the fourth respondent, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.07.2025

vsm

Index : Yes/No
Internet : Yes/No
Neutral Citation: Yes/No



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To

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S.SOUNTHAR, J.

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