

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-03-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.M.P(MD) No. 5146 of 2025 and

W.M.P.(MD)No.2201 of 2025 in

W.P(MD)No. 3136 of 2025

Moorthy,
S/o.Malaichamy Thevar, O.Karisalkulam, Olugupuli
Village, Kamuthi Taluk, Ramanathapuram District

...Petitioner(s)

Vs

Appasamy
S/o.Late.Sundararajapillai, No.78, Maharaja Samuthiram
Village, Pattukottai Taluk, Thanjavur District.

...Respondent(s)

For Petitioner(s) : Raja.Karthikeyan

For Respondent(s): Mr.B.Sravanan, Additional Government Pleader for R2 to R4

ORDER

W.M.P.(MD)No.5146 of 2023 has been filed at the instance of the 7th respondent in the Writ Petition to vacate the interim injunction granted in W.M.P. (MD)No.2201 of 2025 by this Court vide order, dated 04.02.2025.

2.The learned Counsel for the 7th respondent submits that the application made for survey by the 7th respondent is not in any way concerning the disputed property, which is subject matter of the suit in O.S.No.237 of 2009. He would take



me through the relevant pleadings in this regard. Therefore, there can be no impediment for survey to be conducted based on the application filed by the respondents 4 to 7. It is his specific case that the petitioner as well that the petitioner's father has purchased the property under an oral sale deed and possession was handed over in respect of which, specific performance suit was also filed. Both the suits for specific performance as well as the injunction suits are pending.

3.On going through the pleadings, it is clear that the subject survey number in the said suits is not overlapping with the subject survey numbers in which survey is sought for by the respondents 4 to 7. In view of the above, the interim order granted by this Court, dated 04.02.2025 is vacated and it shall be open to the official respondents to conduct survey based on the application of the respondents 4 to 7 in accordance with law and on merits.

4.Post the matter after eight weeks.

Sd/-

17/03/2025

// True Copy //

/04/2025

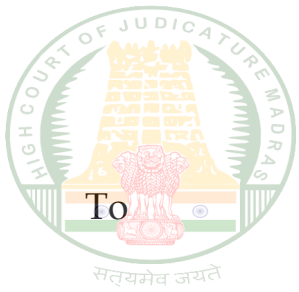
Sub Assistant Registrar

(CS - I/ II / III /IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

cmr



To
1. The District Collector
Thanjavur District.

2. The Revenue Divisional Officer
Pattukottai, Thanjavur District.

3. The Tahsildar
Pattukottai Taluk, Thanjavur District.

4. The Commissioner Of Municipality
Pattukottai

5. The Town Surveyor
Pattukottai Town, Thanjavur District.

6. The Inspector of Police
Pattukottai Town Police Station, Pattukottai.

7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

W.M.P(MD) No. 5146 of 2025 and
W.M.P.(MD)No.2201 of 2025 in
W.P(MD)No. 3136 of 2025
17.03.2025

MGJ/05.04.2025 3P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023