



W.A.(MD)No.1212 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.1212 of 2021

and

C.M.P(MD)No.5120 of 2021

- 1.C.Alagesan
- 2.M.Anandan
- 3.Boomadevi
- 4.Muthupetchi
- 5.Muthumari
- 6.Sornavalli

... Appellants 1 to 6 /
Respondents 3 to 8

Vs.

- 1.R.Vinoth Kumar

... 1st Respondent /
Petitioner

- 2.The Tahsildar,
Mudukulathur Taluk,
Ramanathapuram District.

- 3.The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.

... Respondents 2 & 3 /
Respondents 1 & 2



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act pleased to allow the writ appeal and set aside the order dated 02.12.2020 made in W.P(MD)No.13950 of 2020.

For Appellants : Mr.PT.S.Narendravasan

For Respondents : Mr.K.R.Laxman for R.1

Mr.S.RA.Ramachandran
Additional Government Pleader
for R.2

Mr.A.Albert James
Government Advocate
for R.3

JUDGMENT

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

Heard both sides.

2.The first respondent herein Thiru.R.Vinoth Kumar wanted survey to be done in respect of the subject property. Since survey was not done, he filed W.P(MD)No.13950 of 2020. The writ petition was disposed of on 02.12.2020 with a direction to conduct survey. Aggrieved by the same, the contesting respondents have filed this writ appeal.



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3.The learned counsel appearing for the appellants submits that

the civil dispute between parties is pending in S.A(MD)No.41 of 2025.

When this Court is seized of the matter in exercise of civil jurisdiction, it may not be appropriate for the survey authorities to parallelly conduct survey. In this view of the matter, we are constrained to set aside the order impugned in this writ appeal.

4.Order dated 02.12.2020 made in W.P(MD)No.13950 of 2020 is set aside. In the event of the writ petitioner / first respondent herein succeeding in the second appeal, it is always open to him to approach the survey authority for conducting survey and the survey authority will be obliged to survey, measure and demarcate the property thereafter.

5.This Writ Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
06.02.2025

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



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G.R.SWAMINATHAN,J.

AND

M.JOTHIRAMAN, J.

MGA

To

- 1.The Tahsildar,
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