



W.P.(MD)No.7781 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**W.P.(MD)No.7781 of 2025**

Ramakkal

... Petitioner

Vs.

1.The Tahsildar,  
Taluk Office,  
Aruppukottai,  
Virudhunagar District.

2.The Taluk Surveyor,  
Land Survey and Records,  
Taluk Office,  
Arupukottai Taluk,  
Virudhunagar District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to survey and fix four boundaries of the petitioner's lands bearing survey nos.172/3B with an extent of 0-3.00 Ares, 172/3C-with an extent on 0-3.00 Ares, 193/1F -with an extent on 0-3.00 Ares, 24/2 -with an extent on 0-3.00 Ares, 159/8D -with an extent on 0-9.50 Ares, 390/9A -with an extent on 0-9.50 Ares, 24/4-with an extent on 0-3.50 Ares, situated at Palavanatham Village, Aruppukottai Taluk, Virudhunagar District.



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For Petitioner : Mr.Murugappan

For Respondents : Mr.M.Lingadurai  
Special Government Pleader

### **ORDER**

The petitioner has filed the present writ petition seeking issuance of writ of mandamus to conduct survey and fix four boundaries of the petitioner's property comprised in Survey Nos.172/3B, 172/3C, 193/1F, 24/2 , 159/8D, 390/9A and 24/4 at Palavanatham village, Aruppukottai Taluk, Virudhunagar District.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The petitioner relies on a decree in a partition suit in O.S.No.82 of filed by her, which was disposed on 02.07.2012 granting a preliminary decree, declaring the plaintiff's 1/6<sup>th</sup> share and first appeal was preferred by the 4<sup>th</sup> defendant in the said suit in A.S.No.68 of 2018. The said appeal came to be disposed on 14.03.2023, modifying the decree passed by the trial Court and



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granting 5/16<sup>th</sup> share in favour of the plaintiff. Admittedly, subsequent to the said disposal of the first appeal, there appears to be no final decree proceedings initiated or at least concluded. unless the petitioner's definite share is decreed by passing of final decree, it will not be open for the authorities to conduct survey based on the 5/16<sup>th</sup> share allotted to the petitioner. Therefore, the request of the petitioner cannot be considered to at this juncture.

4. In view of the above, this writ petition is dismissed, giving liberty to the petitioner to approach the survey authorities for conducting survey after passing of final decree or in the event of there being any mutual arrangement between the parties to the partition suit. No costs.

**21.03.2025**

NCC:yes/no  
Index:yes/no  
Internet:yes/no

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**To:**

1.The Tahsildar,  
Taluk Office,  
Aruppukottai,  
Virudhunagar District.

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2.The Taluk Surveyor,  
Land Survey and Records,  
Taluk Office,  
Arupukottai Taluk,  
Virudhunagar District.



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**P.B.BALAJI, J.**

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