



W.P.(MD)No.9621 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.9621 of 2025

and

W.M.P(MD)No.7185 of 2025

Govindarasu

.... Petitioner

/Vs/

1. The District Collector
Dindigul, Dindigul District.

2. The Tahsildar
Oddanchathram Taluk, Dindigul District.

3. Sennimalai Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from any way survey the land situate in Survey No. 342/3A1A1, 98/3 and 99/3 in Poosaripatti Village, Oddanchathram Taluk, Dindigul District.

For Petitioner : Mr.S.Kishore Kumar
For R1 & R2 : Mrs.S.Jeyapriya
Government Advocate

ORDER

The petitioner was permitted to move the writ petition by way of lunch motion considering the fact that the petitioner was put on notice



W.P.(MD)No.9621 of 2025

WEB COPY

about the survey to be conducted today.

2. However, when the matter is taken up for hearing, the learned Government Advocate appearing for the respondents 1 & 2, on written instructions, would submit that the survey is not proposed to be conducted as apprehended by the petitioner and though the survey was proposed on 25.03.2025, no such survey was conducted. It is only after hearing the objections of the petitioner and the contesting respondents, further steps would be taken.

3. However, admittedly, it is seen that the third respondent has himself approached the Civil Court and filed a suit for partition, which is pending in O.S.No.197 of 2024 before the Sub Court, Oddanchatram. Therefore, in the absence of any decree for partition, based on a joint patta, the third respondent may not be entitled to seek survey, unless the other co-pattadhars give consent.

4. Recording the instructions of the learned Government Advocate as well as the pendency of the suit for partition, the writ petition is disposed of directing the second respondent shall proceed to survey only



W.P.(MD)No.9621 of 2025

WEB COPY

if the third respondent able to produce the consent affidavit from the other co-pattadhars. It is open to the petitioner to make necessary application in the pending partition suit. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

04.04.2025

To

1. The District Collector
Dindigul, Dindigul District.
2. The Tahsildar
Oddanchathram Taluk, Dindigul District.



WEB COPY



W.P.(MD)No.9621 of 2025

P.B. BALAJI, J.
am

Order made in
W.P.(MD)No.9621 of 2025

Dated:
04.04.2025