



W.P.(MD).No.9069 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.07.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

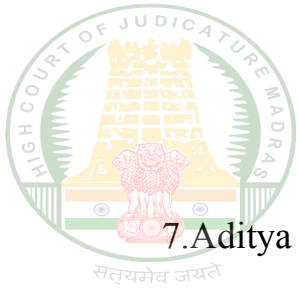
W.P.(MD).No.9069 of 2023
and
W.M.P.(MD).No.9603 of 2023

V.Eswaran

... Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate,
Theni District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Periyakulam, Theni District.
- 3.The Tahsildar,
Office of the Tahsildar,
Theni District.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Theni District.
- 6.The Inspector of Police,
Theni Town Police Station,
Theni District.



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7. Aditya Shivaram Raja

(R-7 is impleaded vide Court order dated 22.06.2023 in W.M.P.(MD).No.9599 of 2023 in W.P.(MD).No.9069 of 2023)

8. V.S. Sandeep

(R-8 is impleaded vide Court order dated 22.06.2023 in W.M.P.(MD).No.11738 of 2023 in W.P.(MD).No.9069 of 2023)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 3rd respondent to survey the land in S.Nos.247/2, 251, 252, 459, 1695/1A, 514/9, 1745 and 495 situated at Theni Allinagaram Village, Theni District and directing the respondents 4 to 6 to give adequate police protection to the petitioner based upon the representation of the petitioner dated 08.04.2023 within the time stipulated by this Court.

For Petitioner	: Mr.S.Ramsundarvijayraj
For R-1 to R-3	: Mrs.K.Malathi Additional Government Pleader
For R-4 to R-6	: Mr.M.Vaikkam Karunanithi Government Advocate (Crl. Side)
For R-7	: M/s.N.Shylappa Kalyan
For R-8	: Mr.K.K.Udayakumar



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ORDER

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The Writ Petition is filed seeking a direction to the third respondent to survey the property situated in Survey Nos.247/2, 251, 252, 459, 1695/1A, 514/9, 1745 and 495 in Theni Allinagaram Village, Theni District with adequate police protection by considering the petitioner's representation dated 08.04.2023.

2. It is the case of the petitioner that 1/6th share of the subject property was allotted to his wife Malathi (since deceased) in a final decree passed in I.A.No.1 of 2021 in O.S.No.354 of 2021 on the file of the Sub Court, Uthamapalayam. When the petitioner attempted to survey the property allotted to his wife under final decree proceedings, the same was objected by the private respondents. Therefore, the petitioner submitted instant representation before the respondents 4 to 6. The same has not been considered. Hence, he has come before this Court.

3. Even as per the averment made in the representation of the petitioner, 1/6th share of the subject property was allotted to the petitioner's wife in the final decree proceedings. A perusal of the additional typed set of papers filed by the petitioner dated 16.12.2024 would indicate that the petitioner filed Execution



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Petition in E.P.No.152 of 2023 on the file of the Sub Court, Theni seeking

delivery of the property allotted to his wife in the final decree proceedings. The said Execution Petition was filed before the competent Civil Court only on 06.07.2023 subsequent to the filing of this Writ Petition. Therefore, it is clear that the petitioner has not taken delivery of the property allotted to his wife in the final decree proceedings so far. The petitioner cannot seek survey of the undivided share allotted to his wife in the partition suit. Unless the petitioner takes possession of the property allotted to his wife by metes and bounds, he is not entitled to seek any direction to the official respondents to survey the property with police protection.

4. Accordingly, the Writ Petition stands dismissed. It is open to the petitioner to pursue the Execution Petition and take delivery of the property. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

14.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 4.The Superintendent of Police,
Office of the Superintendent of Police,
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- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
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- 6.The Inspector of Police,
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S.SOUNTHAR,J.

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