

W.P.(MD) No.10499 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 09.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.10499 of 2025

and

W.M.P(MD) No.7846 of 2025

1.R.Eswaran

2.R.Rajaji

3.R.Rajapandi

... Petitioners

Vs.

1.The Land Surveyor,
Thiruppuvanam Taluk Office,
Sivagangai.

2.The Sub Inspector of Police,
Palayanur Police Station,
Thiruppuvanam Taluk,
Sivagangai District.

3.Muruganantham

4.Veerappan

5.Selvi

... Respondents



W.P.(MD) No.10499 of 2025

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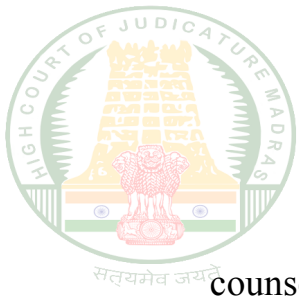
Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 along with other respondents not to forcibly enter into the demised premises in Survey No.249/2 in Keelarangiyam Village, Melarangiyam Group, Thiruppuvanam Taluk, Sivagangai District, without following contemplated procedure.

For Petitioners	:	M/s.Vijayakumari Natarajan
For R1	:	Mrs.K.Malathi Additional Government Pleader
For R2	:	Mr.M.Vaikkam Karunanithi Government Advocate

ORDER

This writ petition has been filed seeking issuance of writ of mandamus forbearing the respondents from entering the property situated in Survey No.249/2, Keelarangiyam Village, Melarangiyam Group, Thiruppuvanam Taluk, Sivagangai District, without following due process of law.

2.Heard the arguments of M/s.Vijayakumari Natarajan, learned



W.P.(MD) No.10499 of 2025

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counsel appearing for the petitioners, Mrs.K.Malathi, learned Additional Government Pleader appearing for the first respondent and Mr.M.Vaikkam Karunanithi, learned Government Advocate appearing for the second respondent.

3.It is seen from the affidavit and the typed set of papers filed along with the writ petition that the third respondent herein filed an application before the first respondent for survey of the above mentioned property. When the first respondent attempted to survey the property, the petitioners herein filed the instant writ petition with the above mentioned prayer. It is not in dispute that originally the petitioner's father, Ramuthevar filed a suit for declaration and injunction against the third respondent's predecessor-in-interest, namely, Selvi in O.S.No.32 of 1999 on the file of Principal District Munsif Court, Manamadurai. The said suit was decreed in respect of declaration prayer alone in favour of the petitioner's father, Ramuthevar. Aggrieved by the same, the third respondent's predecessor-in-title, Selvi filed an appeal in A.S.No.64 of 2002, on the file of the Sub Court, Sivagangai. The above said Ramuthevar filed a cross appeal challenging the portion of the decree



W.P.(MD) No.10499 of 2025

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against him. The First Appellate Court dismissed the cross appeal filed by Ramuthevar and allowed the first appeal filed by Selvi. The suit for declaration and injunction filed by petitioner's father, Ramuthevar was dismissed in its entirety.

4. Aggrieved by the decision of the First Appellate Court, the petitioner's father, Ramuthevar filed two separate second appeals in S.A(MD) Nos.27 and 918 of 2006 before this Court. The said second appeals were preferred against the judgment allowing of the first appeal filed by Selvi and the dismissal of the cross appeal filed by him. Both second appeals were heard together and the findings of the First Appellate Court were affirmed and the second appeals were dismissed. Thus, the Civil Court found that the petitioner's father, Ramuthevar had no title over the subject property. Subsequent to the disposal of the second appeals, the petitioner's father, Ramuthevar, died. Thereafter, the petitioner preferred review applications seeking review of the judgment and decree passed in the second appeals in Rev.Aplc(MD) No.122 and 123 of 2014. On the strength of the pendency of the review applications, the petitioner has come before this Court seeking aforesaid relief.



W.P.(MD) No.10499 of 2025

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5.As narrated above, the petitioner's father filed a suit for declaration of title against the third respondent's predecessor-in-interest, Selvi and the said suit was dismissed and confirmed in the second appeals. Merely because, the review applications filed by the petitioner are pending, we cannot restrain the official respondents from surveying the subject property on the application submitted by the third respondent. Mere survey of the property will not affect the right of the either party over the subject property. Therefore, this Court, is not inclined to grant the prayer sought for in this writ petition. Accordingly, this Writ Petition is dismissed, with the clarification that the survey of the property by the respondents on the application submitted by the third respondent will not affect the rights of the either party over the subject property, if any and the same shall be subject to result in review applications. No costs. Consequently, connected miscellaneous petition is closed.

09.06.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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W.P.(MD) No.10499 of 2025

S.SOUNTHAR,J

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To

- 1.The Land Surveyor,
Thiruppuvanam Taluk Office,
Sivagangai.
- 2.The Sub Inspector of Police,
Palayanur Police Station,
Thiruppuvanam Taluk,
Sivagangai District.

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