



W.P.(MD)No.11019 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.11019 of 2025

1.M.Veeramani

2.Nandhini

... Petitioners

Vs.

1.The Tahsildar,
Peraiyur Taluk,
Madurai.

2.Sundari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, direct the 1st respondent to measure the petitioner's property measuring 90 cent out of 1 acre 80 cent comprised in S.No. 110/2B3B and 110/2B4B situated in Chinnakattalai Village, Peraiyur Taluk, Madurai District within the reasonable time stipulated by this Court.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 : Mr.B.Saravanan
Additional Government Pleader

For R2 : Mr.V.Varadharajan



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ORDER

The petitioners seek issuance of writ of mandamus to direct the 1st respondent to measure the petitioners' property measuring 90 cents, out of 1 acre 80 cent, forming portion of larger extent of 3 acres and 61 cents comprised in 110/2B3B and 110/2B4B situated in Chinnakattalai Village, Peraiyur Taluk, Madurai District.

2. Heard the learned counsels for the parties.

3. The learned counsel for the petitioners would submit that the petitioners have purchased only 90 cents from the owners in and out of a total extent of 3 acres, based on patta standing in the name of the petitioners' vendor. Subsequent to the purchase, the petitioners have also mutated patta in their names.

4. The learned counsel for the 2nd respondent would however submit that the 2nd respondent is the lawful owner of the subject lands and therefore, survey as sought for by the petitioners cannot be acceded to.



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5. Admittedly, total extent of land is 3 acres 61 cents, out of which the petitioners have purchased patta lands measuring 90 cents alone. The 2nd respondent has filed a suit for partition in respect of the entire extent of 3 acres 61 cents. The 2nd respondent has filed a suit in O.S.No.58 of 2021 where the 2nd respondent seeks for partition of one half share of the total extent of 3 acres 61 cents and also relief of declaration to annul the sale deed in Document No. 620/2022 executed by the 1st defendant and his father Ponniah in favour of Balachandran and Palani Ammal on 03.09.2002. As rightly pointed out by the learned counsel for the petitioner, though the relief of declaration sought for seeking to cancel the sale deed, dated 03.09.2002 in Document No.620/2002 is made, the purchasers, Balachandran and Palani Ammal have not been arrayed as defendants in the said suit in O.S.No.58 of 2021 before the District Munsif cum Judicial Magistrate, Peraiyur. It is from these two persons, namely Balachandran and Palani Ammal that the writ petitioner has purchased the property measuring 90 cents. Pursuant to the said purchase, the petitioner has also been issued with patta and admittedly the 2nd respondent has not taken any steps seeking cancellation of the said patta till date.

6. In view of the above, the petitioner's application in respect of 90 cents can be acted upon. However, it is made clear that any such survey would be



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subject to the final outcome of the suit. Liberty is granted to the writ petitioners

to implead themselves in O.S.No.58 of 2021, if necessary. The exercise of measurement alone shall be carried out in the presence of 2nd respondent and there shall be no dispossession of any of the person/s in settled possession.

7. In view of the above, this Writ Petition stands disposed of. No costs.

21.04.2025

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

gbg

To:

The Tahsildar,
Peraiyur Taluk,
Madurai.



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P.B.BALAJI, J.

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