



W.P.(MD)No.11128 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

W.P.(MD).No.11128 of 2025

and

W.M.P(MD)No.8294 of 2025

Sasikumar

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul District,
Dindigul.
3. The Tahsildar,
Kujiliyamparai Taluk,
Dindigul District.
4. Thirupathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the 3rd respondent from survey the land comprised in Survey No.1206 of Kombai Village, Vedasandur Taluk, Dindigul District till the disposal of the suit in O.S.No.22 of 2024 on the file of the District Munsif Court, Vedasandur, Dindigul District.



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For Petitioner : Mr.D.Anbarasu
For R1 to R3 : Mrs.K.Malathi
Additional Government Pleader
For R4 : Mr.S.Harish

ORDER

The writ petition is filed seeking issuance of writ of mandamus forbearing the 3rd respondent from surveying the land in Survey No.1206 of Kombai Village, Vendasandur Taluk, Dindigul District till the disposal of the suit in O.S.No.22 of 2024 on the file of the District Munsif Court, Vendasandur, Dindigul District.

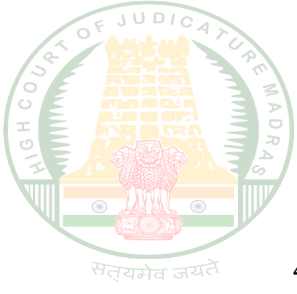
2. According to the petitioner, his great grandfather namely Mariappa Pillai purchased 79 cents in S.No.1206 in the above mentioned village under a Sale Deed dated 12.06.1960. After the death of his great grandfather, the petitioner's grandfather, his father enjoyed 14 cents out of 79 cents in the above mentioned survey number.



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3. The 4th respondent filed a writ petition in W.P(MD)No.15258 of 2024 seeking survey of the petitioner's property situated in S.No.1206 in the above mentioned village. The said writ petition was disposed of by directing the survey authorities to survey the subject property with certain conditions. In the meantime, the petitioner filed a Civil Suit in O.S.No.22 of 2024 on the file of the Principal District Munsif Court, Vedasandur against the 4th respondent for permanent injunction restraining him from interfering with the petitioner's peaceful possession and enjoyment. When the official respondents attempted to survey the subject property as per the order passed by this Court in W.P(MD)No.15258 of 2024, the petitioner herein filed a writ petition in W.P.(MD)No.23731 of 2024 forbearing the 3rd respondent from survey the property. The said writ petition was disposed of by this Court by directing the respondents 1 to 3 to conduct survey afresh after affording an opportunity to the rival parties to make their objections, considering the same and pass a speaking order.



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4. Pursuant to the directions issued in that writ petition, the 3rd respondent herein in his proceedings in न.क.गण.720/2024/शु4 dated 07.03.2025 conducted an enquiry. The petitioner also participated in that enquiry and an order has been passed that fencing of the property can be done only based on the necessary orders from the Civil Court. After passing the said order, the 3rd respondent issued the impugned notice for survey of the property.

5. Aggrieved by the same, the petitioner filed instant writ petition seeking very same prayer which was sought for by him in W.P.(MD)No. 23731 of 2024. Mere survey of the property by the 3rd respondent will not affect the rights of any of the parties. It will not result in dispossession of the person who is in possession of the subject property. The rights of the parties and possession over the property will be considered by the Civil Court in the pending suit. The 3rd respondent in his order dated 07.03.2025 clearly stated that no fencing or fixation of survey stones shall be done based on the survey and thereafter, he issued notice for survey of the property.



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6. In the considered opinion of this Court, mere survey will not prejudice the rights of the parties. Therefore, no directions are necessary in this writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.06.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

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Dindigul.
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3. The Tahsildar,
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S.SOUNTHAR, J.

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