

W.A.(MD)No.1307 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.05.2025**

CORAM:

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD).No.1307 of 2025
and
C.M.P.(MD).No.7921 of 2025**

Karuppaiah

: Appellant

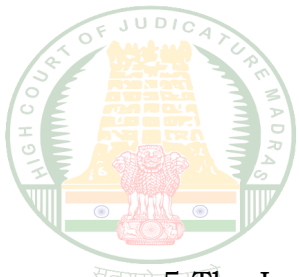
Vs.

1.Abdul Basith
S/o Abdul Raheem
No.1-23-12-6, A1, A Meen Nagar,
S.Kodikulam,
K.Pudur,
Madurai District.
rep. by its Power of Attorney,
Nazarkhan,
S/o R.M.Shanawas Khan,
114-B, 1st Floor,
Bindhavan 1st Street,
Iyer Bunglaw,
Madurai District.

2.Seenivasan

3.The Tahsildar,
Office of the Tahsildar,
Madurai East,
Madurai.

4.The Head Surveyor,
Office of the Tahsildar,
Madurai East,
Madurai.



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5. The Inspector of Police,
Appanthirupathi Police Station,
Madurai District.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 20.02.2025 passed in W.P.(MD) No.4516 of 2025.

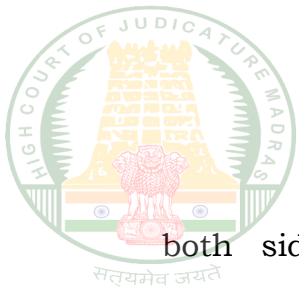
For Appellant : Mr.G.Thalaimutharasu
For Respondents : Mr.D.Gandhi Raj
Spl. Govt. Pleader (for R3 & R4)
Mr.T.Senthilkumar
Addl. Public Prosecutor (for R5)

JUDGMENT

(Judgment of the Court was made by **S.SRIMATHY, J**)

This writ appeal is filed against the order of the learned single Judge dated 20.02.2025 in W.P.(MD) No.4516 of 2025.

2. The respondents 1 and 2 filed the writ petition in W.P(MD)No. 4516 of 2025, seeking a direction to the respondents 3 and 4 herein to survey the land in connection with S.No.15/32 with a total extent of 0.5.26 ares and in S.No.15/33 with a total to an extent of 0.6.00 ares situated at Kathakinaru Village, Madurai East, Madurai District with adequate police protection at the time of surveying the land. The writ court, after hearing



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both sides, directed the official respondents to conduct the survey.

Challenging the same, the fourth respondent in the writ petition filed the present writ appeal.

3. The main contention of the appellant is that already a civil suit is pending, and if the survey is conducted, the rights of the parties will be affected.

4. Such contention cannot be accepted. If the appellant is aggrieved, the survey will be conducted in his presence. The conduct of the survey will not affect the rights of either party in the civil suit. Therefore, the official respondents are directed to conduct the survey in the presence of the appellant and the writ petitioner without any damage to the appellant's property.

5. This writ appeal is disposed of with the above terms. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.Y., J.]

[R.V., J.]

skn

21.05.2025

NCC : Yes/No

Index : Yes / No

Internet : Yes



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WEB COPY To

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Office of the Tahsildar,
Madurai East,
Madurai.
- 2.The Head Surveyor,
Office of the Tahsildar,
Madurai East,
Madurai.
- 3.The Inspector of Police,
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and
R.VIJAYAKUMAR, J

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