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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2025

CORAM:

THE HONOURABLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**W.P(MD)No.14110 of 2025
and
W.M.P(MD)Nos.10235, 10236 & 13154 of 2025**

Appasamy

... Petitioner

Vs

1. The District Collector,
Thanjavur District.
2. The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.
3. The Tahsildar,
Pattukottai Taluk,
Thanjavur District.
4. The Commissioner of Municipality,
Pattukottai.
5. The Town Surveyor,
Pattukottai Town,
Thanjavur District.
6. The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai.
7. Moorthy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned notice issued by the 5th respondent dated 05.05.2025



and quash the same and consequently forbearing the respondent No.2 to 6 from conducting the survey in the petitioner's property in old survey Nos.341/2, 412/5, 412/8 corresponding new town survey No.12/4, 18/1,18/8 Block - 29, Ward -C, Pattukottai Town and Taluk, Thanjavur District till the disposal of civil suit in O.S.No.237 of 2009 and O.S.No.22 of 2009 on the file of the District Munsif Court. Pattukottai by considering the petitioner's objection dated 23.01.2025.

For Petitioner	: M/s.A.Aruljenifer
For Respondent	: Mr.K.Balasubramani Special Government Pleader for R1 to R5 Mr.S.Prakash Government Advocate(crl.side) for R6 Mr.Raja Karthikeyan for R7

ORDER

Challenging a notice for the survey of land in T.S.Nos.12/4, 18/1 and 18/8, the present writ petition was filed.

2. The learned counsel for the petitioner submits that the petitioner asserts that he was put in possession of the above mentioned properties pursuant to an agreement of sale. He also submits that he filed a suit for specific performance in O.S.No.22 of 2010, which is pending on the file of the District Munsif Court, Pattukottai.



3. At the previous hearing, learned counsel for the petitioner took an adjournment to ascertain and report on the current status of the said suit. He has handed over the case status indicating that D.W.2 was cross examined by the plaintiff and D9. It is also stated that the suit is next listed on 24.11.2025 for further evidence on behalf of the defendant. Learned counsel submits that a direction may be issued for the early disposal of the said suit.

4. Learned counsel for the respondent 7 countered this contention by submitting that the suit was filed after the 7th respondent purchased the property. He also submits that the revenue records are in favour of the 7th respondent. He denies the assertion that possession is with the petitioner. He further submits that the suit for injunction (O.S.No.237 of 2009) was dismissed.

5. Ordinarily, an agreement holder has no interest in the relevant property except for the right to seek enforcement of the agreement. In this case, however, the petitioner asserts that he is in possession and relies upon the pleadings in the two suits, including the documents referred to therein, as proof thereof. The suit is at an advanced stage wherein D.W.2 has been cross examined. Considering these factors, I dispose of this writ petition by directing the District Munsif, Pattukottai to dispose of O.S.No.22 of 2010 within four months from the date of receipt of a copy of this order.



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6. Both the petitioner and the 7th respondent are directed to extend full cooperation to ensure that the suit is disposed of within the above mentioned time limit. Based on the outcome of the suit, the party successful is entitled to reapply for survey. No costs. Consequently, connected miscellaneous petitions are also closed.

21.11.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



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4. The Tahsildar,
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SENTHILKUMAR RAMAMOORTHY, J.

RJR

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