



W.P.(MD)No.16048 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

W.P.(MD).No.16048 of 2025

and

W.M.P(MD)No.12137 of 2025

Poolidurai

... Petitioner

Vs.

1. The Tahsildar,
Sankaran Kovil Taluk,
Tenkasi District.

2. The Taluk Surveyor,
Sankaran Kovil Taluk,
Tenkasi District.

3. Murugan

4. Vijayasanthi

5. Kaleeswari

... 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 respondents 1 and 2 from conducting survey in the subject properties in Survey Nos: 1518/2 measuring to the extent of 0.4.00 Hectare, 1518/4 measuring to the extent of 0.4.00 Hectare and 1518/3 measuring to the extent of 0.09.5



W.P.(MD)No.16048 of 2025

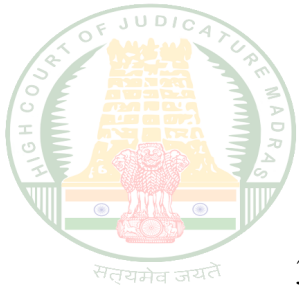
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Hectare, situated in Keezhaneelithanallur Village, Sankarankovil Taluk, Tenkasi District, by considering my representation dated 22.05.2025.

For Petitioner	: Mr.P.Praveenkumar
For R1 and R2	: Mr.A.Baskaran Additional Government Pleader
For R3 to R5	: Mr.R.J.Karthick

ORDER

The petitioner herein seeks issuance of writ of mandamus forbearing the respondents 1 and 2 from conducting survey of the properties situated in S.No.1518/2 with an extent of 0.4.00 Hectare, S.No.1518/4 with an extent of 0.4.00 Hectare and S.No.1518/3 with an extent of 0.09.5 Hectare, situated in Keezhaneelithanallur Village, Sankarankovil Taluk, Tenkasi District, by considering the petitioner's representation dated 22.05.2025.

2. Heard the learned counsel for the petitioner and Mr.A.Baskaran, learned Additional Government Pleader who takes notice for the respondents 1 and 2 and Mr.R.J.Karthick, who takes notice for the respondents 3 to 5.



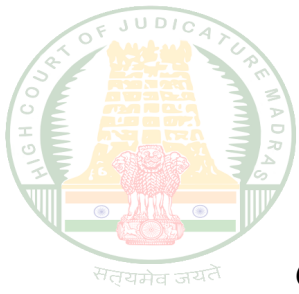
W.P.(MD)No.16048 of 2025

WEB COPY

3. By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

4. It is seen from the averment found in the writ petition that private respondents filed a suit for declaration and injunction in respect of the subject property in O.S.No.106 of 2009 on the file of the Principal District Munsif Court, Sankarankovil against the petitioner and others and obtained an *ex-parte* decree. Based on the said decree, they filed a writ petition before this Court in W.P(MD)Nos.26311 to 26313 of 2024 and obtained an order for survey of the subject property.

5. In the said writ petition, the petitioner herein was not arrayed as a party. Therefore, the petitioner submitted instant representation before the respondents 1 and 2 on 22.05.2025, requesting them not to survey the property mainly on the ground that the petitioner herein filed an application seeking to set aside the *ex-parte* decree obtained by the private respondents. The representation submitted by the petitioner was not considered by the respondents 1 and 2. Hence, the petitioner has come before this Court.



W.P.(MD)No.16048 of 2025

WEB COPY

6. Mr.R.J.Karthick, learned counsel who takes notice for the private respondents would submit that till date notice has not been received by the private respondents in the alleged petition filed by the petitioner seeking to set aside the *ex-parte* decree.

7. It is seen from the *ex-parte* decree passed by the Principal District Munsif Court, Sankarankovil that private respondents obtained the *ex-parte* decree of declaration against the petitioner and 15 others in respect of the subject property on 11.10.2013. Admittedly the said *ex-parte* decree is still in force.

8. According to the writ petitioner, he has filed an application to set aside the *ex-parte* decree and the same is denied by the private respondents. Survey of the subject properties by the respondents will not affect the rights of either of the parties over the subject property. Therefore, merely because an application for setting aside the *ex-parte* decree is allegedly pending, the respondents need not refrain from surveying the property as per the directions ensured by this Court as mentioned above. It is for the petitioner to work out his remedy in the manner known to law before the Civil Court.



W.P.(MD)No.16048 of 2025

WEB COPY

9. With these clarifications, the writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

16.06.2025

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



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W.P.(MD)No.16048 of 2025

S.SOUNTHAR, J.

rgm

To

1. The Tahsildar,
Sankaran Kovil Taluk,
Tenkasi District.
2. The Taluk Surveyor,
Sankaran Kovil Taluk,
Tenkasi District.

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