



W.P.(MD) No.15943 of 2025

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

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DATED: 11.07.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.15943 of 2025

M.Palani

... Petitioner

Vs

1. The Tahsildar,
Kariapatti Taluk,
Virudhunagar District .

2. The Head Surveyor,
Kariapatti Taluk,
Virudhunagar District .

3. The Inspector of Police,
Aviyoor Police Station,
Virudhunagar District.

4. Petchiammal
(R4 is impleaded vide Court order
dated 11.07.2025 in W.M.P.(MD)No.
12810/2025)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent Nos. 1 to 2 to survey, demarcate and record the boundaries of the petitioner's property situated in Survey Nos.7/1A(2Acres 21 Cents), 8/2B(44 Cents), Kurandi Village, Kariapatti Taluk, Viruthunagar District, with the help of the 3rd respondent protection on the basis of the remittance



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being made through an Application No.2025/0123/23/005683 dated 21.01.2025 and Application No.2025/0123/26/007588 dated 25.04.2025 as expeditiously as possible within the time stipulated by this Court.

For Petitioner : M/s.Moushica for
Mr.R.Anand

For Respondents : Mr.M.Gangatharan,
Govt. Advocate for R1 & R2
Mr.M.Vaikkam Karunanith,
Govt. Advocate (Crl. Side) for R3
Mr.S.Selva Aditya

ORDER

This Writ Petition is filed seeking a direction to the respondents to survey the property situated in Survey Nos.7/1A and 8/2B in Kurandi Village, Kariapatti Taluk, Viruthunagar District, by considering the petitioner's online applications dated 21.01.2025 and 25.04.2025

2. Heard the arguments of Ms.Moushica, learned counsel representing Mr.R.Anand, learned counsel for the petitioner, Mr.M.Gangatharan, learned Government Advocate appearing for the respondents 1 and 2, Mr.M.Vaikam Karunanithi, learned Government Advocate (Crl. Side) appearing for the third respondent and Mr.S.Selva Aditya, learned counsel appearing for the 4th respondent.



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3. According to the petitioner, the subject property was purchased by him from one Chelladurai under a sale deed dated 02.12.2024. Thereafter, the petitioner submitted an application seeking survey of the property. The same has not been considered. Hence, the petitioner has come before this Court.

4. The fourth respondent filed a partition suit in O.S.No.96 of 2012 on the file of Sub Court, Aruppukkottai seeking her 1/3rd share in the subject property. The trial Court passed a preliminary decree for partition granting 1/6th share in favour of 4th respondent. The petitioner has purchased the property from one Chelladurai, who was also arrayed as a third defendant in the suit. As per the preliminary decree passed by the civil Court, the petitioner's vendor Chelladurai got 1/4th share in the subject property. It is also stated that challenging the preliminary decree passed by the trial Court, the 4th respondent herein filed an appeal in A.S.No.93 of 2019, on the file of Additional District Court, Virudhunagar District and the same is pending. Therefore, it is clear that the petitioner is not exclusive owner of the subject property and he is only a co-owner along with 4th respondent and one Muthukani, who was the second defendant in the civil suit.



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WEB COPY **5.** In view of the objection raised by the 4th respondent, this Court is not inclined to issue any positive direction to the official respondents to survey the subject property. It is for the petitioner to workout his remedy in the pending civil litigation.

6. With the above direction, this Writ Petition is disposed of.
There shall be no order as to costs.

11.07.2025

vsm
Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No



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S.SOUNTHAR, J.

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