

W.P(MD)No.19278 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD)No.19278 of 2025

1.A.Ravichandran

2.A.Kannan

...Petitioners

Vs.

1.The Revenue Divisional Officer,
Madurai.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District,
Madurai.

3.The Taluk Surveyor,
Vadipatti,
Vadipatti Taluk,
Madurai District.

4.The Village Administrative Officer,
Kallanai Village,
Alanganallur,
Vadipatti Taluk,
Madurai District.



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WEB COPY 5.K.G.Pandiyan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 4, not to take any further legal proceedings and not to conduct survey and fixing of the boundaries in respect of the lands in S.Nos.133/5A, 133/6A, 133/7, 100/1, 41/10A, 136/1B, 41/10A1, 41/10B, 35/20B, 136/1A, 160/1, 193/4B in Kallanai Village, Allanganallur, Madurai District until disposal of O.S.No.35 of 2024, on the file of V Additional District Judge, Madurai, and CMA(MD)No.575 of 2024 and the same is pending before this Court and O.S.Nos.50, 51, 52 of 2023 before the learned Munsif Court, Vadipatti and appeal before RDO and DRO, Madurai and also numbered as DR.No.3335837/25, DR.No. 333623/25 by considering the petitioners' representation dated 10.06.2025.

For Petitioners : Mr.P.Murugesan

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1 to R4

ORDER

The Writ Petition is filed seeking a direction to the respondents 1 to 4 not to take any further legal proceedings and not to conduct survey of the property situated in Survey Nos.133/5A, 133/6A, 133/7, 100/1,



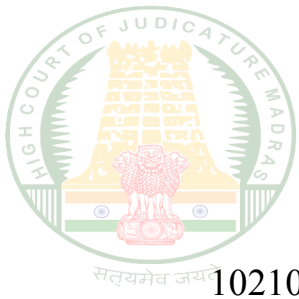
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41/10A, 136/1B, 41/10A1, 41/10B, 35/20B, 136/1A, 160/1 and 193/4B in Kallanai Village, Allanganallur, Madurai District, until disposal of O.S.No.35 of 2024 on the file of the V Additional District Court, Madurai and other legal proceedings said to be pending between the petitioners and the private respondent.

2. Heard the arguments of Mr.P.Murugesan, learned counsel appearing for the petitioners and Mr.A.Baskaran, learned Additional Government Pleader, who takes notice for the respondents 1 to 4. Since no adverse order is passed against private respondent, notice to him is dispensed with. By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioners are not entitled to maintain a prayer restraining the respondents from taking any legal proceedings. However, as far as the prayer to pass restraint order against the official respondents from surveying the property is concerned, similar writ petition was filed by the first petitioner in W.P.(MD)No.12320 of 2023 and the same was heard along with the writ petition filed by the fifth respondent in W.P.(MD)No.



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10210 of 2023. Both the writ petitions were disposed of and the first petitioner was granted liberty to raise his objections against survey of the property before the surveying authorities. Thereafter, the first petitioner filed a writ petition in W.P.(MD)No.4199 of 2024 challenging the order passed by the third respondent herein rejecting the objections of the first petitioner against survey of the property on application filed by the fifth respondent. The said writ petition was disposed of by referring the suit filed by the first petitioner in O.S.No.35 of 2024 and granting liberty to the first petitioner to file interlocutory application in the pending suit. Pursuant to direction issued by this Court in said writ petition, the petitioners filed I.A.No.1 of 2024 in O.S.No.35 of 2024 and the same was dismissed. Aggrieved by said order, the petitioners filed an appeal in C.M.A.(MD)No.575 of 2024 and the same is pending. Now, the petitioners have filed the present writ petition seeking very same prayer as in earlier writ petition W.P.(MD)No.12320 of 2023. Therefore, the petitioners are not expected to file writ petition again and again seeking a similar prayer.



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4. It is seen from the affidavit filed in support of the writ petition that the fifth respondent seeks survey of the property based on the sale deed executed by petitioners in his favour dated 30.01.2020. The first petitioner said to have filed a civil suit in O.S.No.35 of 2024 on the file of the V Additional District Court, Madurai seeking declaration that the sale deed allegedly executed by petitioners in favour of the fifth respondent is null and void and for permanent injunction. Since the suit filed by the petitioners seeking declaration against the sale deed executed by them in favour of the fifth respondent is pending before the civil Court, it is for the petitioners to move appropriate interlocutory application in the pending civil suit. Unless sale deed executed by the petitioners dated 30.01.2020 in favour of fifth respondent is declared as invalid, the petitioners are not entitled to maintain a prayer seeking direction to the official respondents not to survey the property. The present writ petition filed by petitioners notwithstanding specific liberty given in W.P.(MD)No.4199 of 2024 to workout his remedy before civil Court is nothing but an abuse of process of Court. Therefore, this Court is not inclined to entertain the writ petition filed by the petitioners. Accordingly, this Writ Petition stands dismissed. However, it is open to



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the petitioners to workout their remedy in pending C.M.A.(MD)No.575
of 2024. No costs.

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NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

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Madurai District,
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S.SOUNTHAR, J.

csm

Order made in
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