



W.P.(MD) No.19903 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.19903 of 2025

N.Subburaj

... Petitioner

Vs.

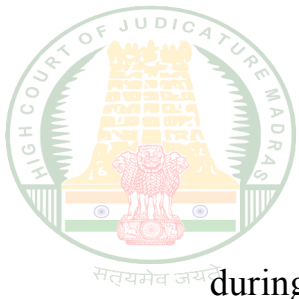
1.The Tahsildar,
Aathoor Taluk Office,
Aathoor Taluk,
Dindigul District.

2.The Taluk Surveyor,
Aathoor Taluk Office,
Aathoor,
Dindigul District.

3.E.Senthilkumar

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents 1 and 2 not to carry out any measurement, survey or demarcation in respect of the land comprised in Survey Nos.252/1, 253/1A, 259/10C, patta No. 549 situated in Aathoor Taluk, Palayankottai Village, Dindigul District,



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during the pendency of the original suit in O.S.No.12 of 2025 in the light of petitioner's representation dated 09.07.2025.

For Petitioner : Mr.R.Sakthivel
For R1 and R2 : Mr.M.Gangatharan
Government Advocate

ORDER

The writ petition is filed seeking a direction to the respondents 1 and 2 not to carry out the survey of the land comprised in Survey Nos. 252/1, 253/1A and 259/10C, patta No.549, in Palayankottai Village, Aathoor Taluk, Dindigul District, during the pendency of the suit in O.S.No.12 of 2025, by considering his representation dated 09.07.2025.

2.Heard the arguments of Mr.R.Sakthivel, learned counsel appearing for the petitioner and Mr.M.Gangatharan, learned Government Advocate appearing for the respondents 1 and 2. Since no adverse order is passed against the third respondent, notice to the third respondent is dispensed with.



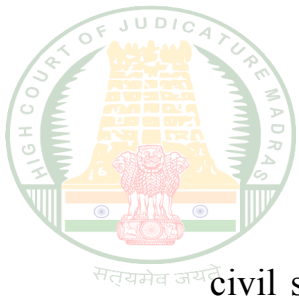
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3.By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he is the absolute owner of the above mentioned property. The third respondent herein fraudulently created a document, as if one Vijayalakshi settled the property in his favour and obtained the patta in his name. Hence, the petitioner instituted a suit in O.S.No.12 of 2025, on the file of the District Munsif cum Judicial Magistrate, Athoor, seeking declaration that the settlement deed in favour of the third respondent is null and void and also permanent injunction. During pendency of the said suit, the official respondents attempted to survey the property at the instance of the third respondent. Therefore, the instant writ petition has been filed by the petitioner.

5.Admittedly, the patta for the subject property stands in the name of the third respondent. The settlement deed executed in favour of the third respondent was challenged by the petitioner in a civil suit. The petitioner also sought for an injunction against the third respondent in the



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civil suit. In such circumstances, it is for the petitioner to workout the remedy by filing an appropriate application seeking interim relief in the pending suit. The mere survey of the property by the official respondents at the instance of the third respondent will not affect the right or possession of the petitioner, if any, over the subject property. Therefore, this Court is not inclined to entertain this writ petition. Accordingly, this Writ Petition stands dismissed with liberty to the petitioner herein to file an appropriate interim application in the pending civil litigation. No costs.

23.07.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

1.The Tahsildar,
Aathoor Taluk Office,
Aathoor Taluk,
Dindigul District.

2.The Taluk Surveyor,
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S.SOUNTHAR,J

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