



W.P.(MD)No.11372 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

WP(MD)No.11372 of 2018

and

W.M.P.(MD)No.10351 of 2018

D.Kaliyugakannan

... Petitioner

Vs.

1. The District Collector,
Collectorate Office, Madurai District,
Madurai.
2. The Tahsildar,
(North), Collectorate Office, Madurai,
Madurai District.
3. The Town Land Surveyor,
(North), Collectorate Office, Madurai,
Madurai District.
4. The Inspector of Police
Koodalpudhur Police Station,
Madurai City.
5. G.Sivadharani, ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 not to



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disturb the petitioners peaceful possession of the cinema theatre building namely Sri Venkatachalapathy Theatre situated in U.D.R. Re-Survey Nos. 132 / 6B 132 / 5B measuring 80 cents in Anaiyur village, Madurai North Taluk, Madurai District, under the guise of survey and subdivision.

For Petitioner : Mr.V.Santhakumaresan

For Respondents : Mrs.K.Malathi
Additional Government Pleader for R1-4

: Mr.Ananth C.Rajesh for R5

ORDER

The petitioner has filed the present writ petition seeking issuance of writ of mandamus, to direct the respondents 1 to 4 from disturbing the petitioner's peaceful possession of the cinema theatre building, namely, Sri Venkatachalapathy Theatre situated in U.D.R. Re-Survey Nos.132 / 6B, 132 / 5B measuring 80 cents in Anaiyur village, Madurai North Taluk, Madurai District.

2. I have heard the learned counsel on either side.



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3. The case of the writ petitioner is that the 5th respondent filed the suit for partition claiming right in the subject property which is a cinema theatre. However, the said suit for partition in O.S.No.46 of 2011 has been withdrawn by the 5th respondent and it is the allegation of the petitioner that the 5th respondent using the respondents 1 to 4 is attempting to disturb the peaceful possession and enjoyment of the petitioner.

4. The learned counsel for the 5th respondent on the other hand would submit that as on date cinema theatre is not running, however, the property is standing as it stood prior to the dispute that arose between the family members. The learned counsel for the fifth respondent would fairly submit the 5th respondent, would work out her right in the property, accordance with law.

5. The learned Additional Governance Pleader appearing for the respondents 1 to 4 would submit that there is no attempt made by the official respondents to disturb the petitioner's possession and enjoyment of the property under the guise of survey or subdivision. Even in the



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event of any survey or subdivision that may be carried out, in pursuance of the orders of this Court in W.P.(MD)No. 8575 of 2018. It is made clear that the petitioner's possession, if found, shall not be disturbed or interfered with, except by due process of law.

6. This Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No

NCC : Yes / No

LS

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2. The Tahsildar,
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3. The Town Land Surveyor,
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P.B. BALAJI, J.

LS

Order made in
W.P.(MD)No.11372 of 2018

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