



W.P(MD)NO.22742 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.08.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.22742 of 2025

and

W.M.P(MD)No.17784 of 2025

1.D.Petchi

2.D.Senthil

... Petitioners

.Vs.

1.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

2.The Surveyor,
Melur Taluk,
Melur,
Madurai District.

3.P.Vijayakumar

4.V.shobanakumari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pursuant to the impugned



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survey notice of the second respondent, dated 30.7.2025 and quash the same and consequently pass an order forbearing the respondents 1 and 2 from surveying the land in S.NO.526/1A2B, 532/3A1, 532/3A2,,532/3B1, 532/3B2 and 526/1A1B of Kottakudi Village, Melur Taluk, Madurai District pending disposal of the civil suit in O.S.No.69 of 2024, on the file of the District Munsif, Melur.

For Petitioners : Mrs.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

For Respondents : Mr.A.Baskaran
1 and 2 Addl.Govt. Pleader

ORDER

The Writ Petition is filed challenging the survey notice issued by the second respondent seeking survey of the properties in S.No.526/1A2B, 532/3A1, 532/3A2,,532/3B1, 532/3B2 and 526/1A1B of Kottakudi Village, Melur Taluk, Madurai District based on the application submitted by the Private respondents 3 and 4.

2.Mr.A.Baskaran, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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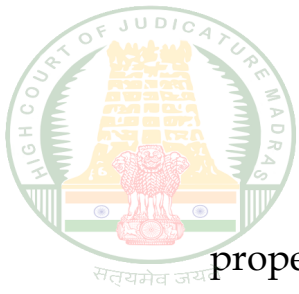
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3. According to the Petitioners, the private respondents are the owners of the subject property and the Petitioners are the cultivating tenants in possession of the property under tenancy. It is also stated that Petitioner filed a civil suit in O.S.No.69 of 2024, on the file of District Munsif Court, Melur seeking permanent injunction against the respondents and the same is pending. In the meantime, the private respondents submitted an application seeking survey of the subject property. Aggrieved by the same, the Petitioners are before this Court with the present Writ Petition.

4. The learned counsel for the Petitioners would submit that when the civil suit filed by the Petitioners seeking permanent injunction is pending, the official respondents ought not to have entertained the application submitted by the private respondents seeking survey of the subject property.

5. Mr. A. Baskaran, learned Additional Government Pleader who takes notice for the respondents 1 and 2, on instructions, would submit that the subject property was already surveyed on 11.8.2025 in the presence of the Petitioner and private respondents.

6. Mere survey of the property will not result in dispossession of any person who is in possession of the subject



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property. Likewise, the survey of the property by the official respondents will not affect the rights of the respective parties or alleged cultivating tenancy rights, if any, over the subject property. Therefore the Petitioners are entitled to proceed with the suit filed by them and any decree passed in the suit will bind the parties to the litigation.

7.with these clarifications, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

20.08.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn
To

1.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

2.The Surveyor,
Melur Taluk,
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S.SOUNTHAR.,J.

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ORDER MADE IN

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