



W.A(MD)No.3021 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.10.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A(MD)No.3021 of 2025
and
C.M.P(MD)No.17081 of 2025

1.S.Nallathambi
2.S.Sivarama Krishnan
3.S.Savithiri

... Appellants/Respondents 3 to 5

Vs.

1.A.Christoper
2.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

... 1st Respondent/Writ Petitioner

3.The Firka Surveyor,
Melur,
Madurai District.

... Respondents 2 & 3/
Respondents 1 & 2

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order made in W.P.(MD)No.22836 of 2025 dated 24.09.2025 on the file of this Court.

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For Appellants : Mr.S.Ram Sundar Vijayraj
for Mr.A.D.Ganeshamoorthi

For Respondents : Mr.R.Murali (R1)
: Mr.D.Sadiq Raja (R2 & R3)
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

The prayer of the writ petitioner/R1 was for a Mandamus directing the official respondents to survey the property in Patta No. 2467, Survey No.307/1B1, Kidaripatti Village, Melur Taluk, Madurai District ('property/property in question), in terms of survey notice dated 16.05.2025.

2.Mr.D.Sadiq Raja, learned Additional Government Pleader, accepts notice for R2 and R3.

3.Before the learned Judge, counter was filed by the official respondents alone. The learned Judge, after tracing the facts, has noted the pendency of O.S.No.85 of 2025. That suit has been instituted by the writ petitioner/R1 seeking an injunction as against the appellants, and an



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interim order has also been obtained in I.A.No.3 of 2025. In fact, the appellants had earlier filed O.S.No.5 of 2012 before the I Additional District Court, Madurai, seeking a declaration of title in respect of the property in question and that suit has been dismissed, as against which, an appeal is pending in A.S(MD)No.188 of 2025 before this Court. The writ Court did not have the benefit of these facts as no counter has been filed by the appellants in writ petition.

4.The learned Judge has noted that the title in the revenue records, prima facie, stood in favour of R1 and has allayed the apprehension of the appellants to the effect that, on account of the same, R1 would erect a fence around the property and attempt to dispossess the appellants.

5.In conclusion, the official respondents were directed to conduct survey as prayed for, by measuring and fixing boundary stones within a fixed time frame.

6.We have heard Mr.S.Ram Sundar Vijay Raj, learned counsel for the appellants, Mr.R.Murali, learned counsel, who appeared on behalf of R1 in the Writ Petition and Mr.D.Sadiq Raja, learned Additional



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Government Pleader for R2 and R3.

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7.We do not find any infirmity in the order of the writ Court, in so far as the rights of the parties are protected till such time as the suit and the appeal are disposed, which is the appropriate course of action. That apart, the conduct of survey would only aid in identification of the property, facilitating in the disposal of the suit and appeal.

8.In the light of the above backdrop, we sustain the order of the writ Court and the same is confirmed. This Writ Appeal is dismissed. We make it clear that none of the observations made in the order under appeal or this order stand in the way of the civil Court in deciding the matter. No costs. Connected Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
25.10.2025

NCC :Yes/No
Index :Yes/No
ps



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To

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