



WP CrL.(MD) NO. 2334 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-12-2025

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP CrL.(MD) NO. 2334 of 2025

K. Seethalakshmi

Petitioner(s)

Vs

1. The Superintendent of Police, Pudukkottai,
Pudukkottai District.
2. The Inspector Of Police,
Vallathirakottai Police Station,
Pudukkottai District.
3. The Taluk Surveyor,
Vallanadu, Alangudi Taluk,
Pudukkottai District.
4. Solai
5. Saravanan
6. Chithra Devi
7. Rajendran

Respondent(s)

For Petitioner(s): Mr.N. Kamesh

For Respondent(s): Mr.A.S.Abul Kalaam Azad,
Government Advocate (crl. Side), for R-1 & R-2
Mr.M. Muthumanikkam,
Government Advocate (crl. Side) for R-3
Mr.R.Balakrishnan, for R-6



WP CrI.(MD) NO. 2334 of 2025

Prayer: To issue a Writ of Mandamus, forbearing the officials of the 2nd respondent from interfering in the civil dispute while the matter is pending before the competent Civil Court and consequently to direct the 2nd respondent not to harass the petitioner in the guise of enquiry.

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus forbearing the officials of the 2nd respondent from interfering in a civil dispute while the matter is pending before the competent Civil Court, and consequently directing the 2nd respondent not to harass the petitioner in the guise of an enquiry.

2. The admitted facts by the petitioner and the 6th respondent are that the property belonged to the petitioner and respondent Nos. 4, 5, and 7, and that they are co-owners of the said property. It is their ancestral property. Without dividing the said property, respondents 4 and 5 have sold the property to respondent Nos. 6 and 7. Now, without subdivision of the property, respondents 6 and 7 are seeking to survey the property and allot the same to themselves. Such a prayer cannot be entertained, since respondents 6 and 7 have purchased only an undivided share,



WP CrI.(MD) NO. 2334 of 2025

which has never been earmarked. When the issue is pending for partition, respondents 6 and 7 cannot seek to survey the property.

3. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the respondent police have not interfered, in fact, they have filed a First Information Report against the rival parties. The same is recorded.

4. Admittedly, respondents 6 and 7 are defendants in the partition suit. Before the suit is decreed, respondents 6 and 7 cannot seek to survey the property unless a decree for partition is passed. Therefore, respondents 1 to 3 shall not entertain any application from respondents 4 to 7 either to survey, demarcate, or fence the property. The parties shall adhere to the decree. After the decree is passed, the parties shall seek partition survey and installation of boundary stones, and not prior to the decree.



WP CrL.(MD) NO. 2334 of 2025

5. With the direction stated supra, this writ petition is allowed. No

Costs.

12-12-2025

KSA



WP CrL.(MD) NO. 2334 of 2025

WEB COPY

To

1. The Superintendent of Police, Pudukkottai,
Pudukkottai District.
2. The Inspector Of Police,
Vallathirakottai Police Station,
Pudukkottai District.
3. The Taluk Surveyor,
Vallanadu, Alangudi Taluk,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



WP CrL.(MD) NO. 2334 of 2025

S.SRIMATHY, J.

KSA

W.P.CrL.(MD)No.2334 of 2025

12.12.2025