



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

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THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

**W.P.No.22081 of 2022
and W.M.P.No.21075 of 2022**

1. M.Pushpalatha
W/o. Late.Mayilsamy
2. P.Aabharana
D/o. Late Mayilsamy,

Both are residing at
6/643, Erangattur,
Sasthiri Nagar,
Akkaraithathapalli,
Uthandiyur Post,
Sathyamangalam Taluk,
Erode District.

..Petitioners

Vs.

1. The District Collector,
Collectorate,
Erode - 631 008,
Erode District.
2. The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.
3. The Revenue Tahsildar,
Sathyamangalam Taluk,
Erode District.
4. The Taluk Head Surveyor,
Sathyamangalam Taluk,
Erode District.



5. M.Thangaraj
S/o. Maraiyan,
96, S.Alampalayam,
Karithottampalayam Village,
Sathyamangalam Taluk,
Erode District
6. P.Natarjan
S/o. Perumal,
213-A, Siviypalayam,
Komarapalayam Village,
Sathyamangalam Taluk,
Erode District
7. Rajathi
W/o. Devendran,
248, Vellikuppampalayam,
Sirumugai,
Pallaypallayam,
Mettupalayam Taluk,
Coimbatore District.
8. P.Nanjaian
S/o. Basuvappa Gowder,
248, Vellikuppampalayam,
Sirumugai,
Pallaypallayam,
Mettupalayam Taluk,
Coimbatore District.

..Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the Respondents from conducting any survey or effect mutation at the instance of the Respondents 5 and 6, in respect of the property measuring 2.05 Acres (0.82.91 Hrs) comprised in R.S.No.163/4 presently new S.F.No.163/1A, Akkaraithathapalli Village, Sathyamangalam Taluk, Erode District pending O.S.No.75 of 2021 on the file of the Learned III Additional District Court,



Gobichettipalayam (previously O.S.No.238 of 2018 - Sub Court Sathyamangalam) by considering our Representation dated 12.08.2022.

For Petitioners : Mr.N.Manokaran
For Respondents – 1 to 4: Mr.C.Gowthamaraj,
Government Advocate
For Respondents – 5 & 6: Mr.Manoj Kumar
For Respondents – 7 & 8: Mr.M.Roshan Atiq

ORDER

The relief sought in this Writ Petition is to forbear the Respondents from conducting any survey or effect mutation at the instance of Respondents 5 & 6 in respect of the property comprised in R.S.No.163/4 presently New S.F.No.163/1A measuring an extent of 2.05 Acres (0.82.91 Hrs) situated at Akkaraithathapalli Village, Sathyamangalam Taluk, Erode District (hereinafter referred to as “subject property”), pending O.S.No.75 of 2021 on the file of the III Additional District Court, Gobichettipalayam (previously O.S.No.238 of 2018 – Sub Court, Sathyamangalam) by considering the Petitioners’ Representation dated 12.08.2022.

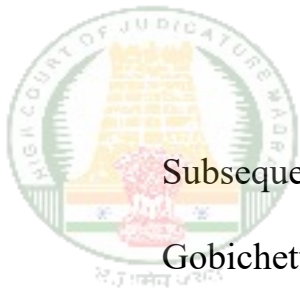
2. The case of the Petitioners is that 1st Petitioner and 2nd Petitioner are the wife and daughter of one Late Mayilsamy. The 1st Petitioner’s husband had purchased the subject property in the name of his father viz., P.Nanjaian (8th Respondent) by virtue of Sale Deed dated 22.11.2004 which was registered as Document No.3328 of 2004 on the file of Sub Registrar Office, Sathyamangalam. The 1st Petitioner’s husband was working as a Cake Remover



in Viscose Industries, Sirumugai, Coimbatore District and he had purchased the subject property in his hard earned money. On 15.09.2015, 1st Petitioner's husband had died in a road accident. Immediately, after his demise, 8th Respondent had bequeathed the subject property in the name of 2nd Petitioner by way of execution of Will dated 11.11.2015 which was registered as Document No.212 of 2015 on the file of Sub Registrar Office, Sathyamangalam. Subsequently, on the ill advise of 7th Respondent, 8th Respondent had cancelled the Will dated 11.11.2015 by way of execution of Cancellation Deed dated 27.11.2017 which was registered as Document No.246 of 2017 on the file of Sub Registrar Office, Sathyamangalam.

3. Thereafter, 8th Respondent had settled the subject property to and in favour of 7th Respondent by way of execution of Settlement Deed dated 10.10.2018 which was registered as Document No.6259 of 2018 on the file of Sub Registrar Office, Sathyamangalam. Aggrieved by the same, Petitioners had filed an original suit in O.S.No.238 of 2018 before the Sub Court, Sathyamangalam for the following reliefs:

- “(i) To declare the Petitioners’ title over the subject property;*
- (ii) To declare the Settlement Deed dated 10.10.2018 as null and void;*
- and*
- (iii) To grant an order of permanent injunction restraining the Respondents 7 & 8, their men, agents, servants or anyone from in any manner either trespassing into the subject property and disturbing the Petitioners’ peaceful possession and enjoyment of the subject property.”*



Subsequently, the said suit was transferred to the III Additional District Court, Gobichettipalayam and renumbered as O.S.No.75 of 2021.

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4. During the pendency of O.S.No.75 of 2021, 7th Respondent sold the subject property to Respondents 5 & 6, by way of a Sale Deed dated 03.02.2021 which was registered as Document No.668 of 2021 on the file of Sub Registrar Office, Sathyamangalam. Thereafter, Respondents 5 & 6 filed a writ petition in W.P.No.20114 of 2022 before this Court praying to direct the Respondents 1 to 4 to dispose of their Representations dated 09.02.2022 and 28.06.2022 seeking to survey the subject properties.

5. In the affidavit filed in support of W.P.No.20114 of 2022, the Respondents 5 & 6 did not whisper anything about the original suit which is pending in O.S.No.75 of 2021 on the file of III Additional District Court, Gobichettipalayam.

6. While so, this Court vide Order dated 10.08.2022, disposed of W.P.No.20114 of 2022 by directing the 3rd Respondent to consider the Representations dated 09.02.2022 & 28.06.2022 submitted by the Respondents 5 & 6 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of the order.



7. As soon as the Petitioners came to know about the Order dated 10.08.2022 in W.P.No.20114 of 2022 passed by this Court, they submitted a Representation dated 12.08.2022 before the Respondents 3 & 4 requesting not to implement the Order dated 10.08.2022 in W.P.No.20114 of 2022 passed by this Court. The Respondents 3 & 4 have received the Petitioners' Representation dated 12.08.2022, but, they did not acknowledge the same. Therefore, Petitioners have filed this writ petition for the relief stated *supra*.

8. Heard the learned counsel on either side and perused the materials available on record.

9. In the present case, 1st Petitioner's husband had purchased the subject property in the name of his father (8th Respondent) by virtue of Sale Deed dated 22.11.2004 which was registered as Document No.3328 of 2004 on the file of Sub Registrar Office, Sathyamangalam. On 15.09.2015, 1st Petitioner's husband had passed away. After his demise, 8th Respondent had bequeathed the subject property in the name of 2nd Petitioner (daughter of the 1st Petitioner & her deceased husband) by way of registered Will dated 11.11.2015. However, subsequently, 8th Respondent cancelled the said Will by way of registered Cancellation Deed dated 27.11.2017 and then, settled the subject property in favour of 7th Respondent by way of registered Settlement Deed dated



10.10.2018. Hence, Petitioners filed O.S.No.238 of 2018 before the Sub Court, Sathyamangalam for declaring their title over the subject property; for declaring the Settlement Deed dated 10.10.2018 as null & void; and for grant of permanent injunction. Later, the said suit was transferred to III Additional District Court, Gobichettipalayam and renumbered as O.S.No.75 of 2021. While the suit in O.S.No.75 of 2021 is pending, 7th Respondent sold the subject property to Respondents 5 & 6 vide Sale Deed dated 03.02.2021. After purchasing the subject property, Respondents 5 & 6 claimed themselves as owners of the subject property and they requested the Respondents 1 to 4 to mutate the Revenue Records in their names. This Court vide Order dated 10.08.2022 in W.P.No.20114 of 2022, directed the 3rd Respondent to consider the request of Respondents 5 & 6. Aggrieved by the said order, Petitioners submitted a Representation dated 12.08.2022 before the Respondents 3 & 4, requesting not to implement the Order dated 10.08.2022 in W.P.No.20114 of 2022 passed by this Court. The Petitioners' Representation was received by the Respondents 3 & 4, but, they did not acknowledge the same. Hence, this Writ Petition.

10. As far as this case is concerned, the dispute between the Petitioners and Respondents 5 to 8 are civil in nature. Already, an original suit filed by the Petitioners is pending in O.S.No.75 of 2021 on the file of III Additional District Court, Gobichettipalayam.



11. In the above circumstances, expressing any opinion on the merits of the case will adversely affect the interest of the Petitioners as well as the Respondents 5 to 8. Hence, this Court directs the III Additional District Court, Gobichettipalaym to decide the issue involved in the suit in O.S.No.75 of 2021, without being influenced by the Order dated 10.08.2022 in W.P.No.20114 of 2022 passed by this Court, as expeditiously as possible. Liberty is granted to the Respondents 7 & 8 to agitate all the issues regarding their right over the subject property before the III Additional District Court, Gobichettipalayam.

12. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
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To

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KRISHNAN RAMASAMY, J.

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