



W.A(MD)No.102 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A(MD)No.102 of 2026

A.Christoper

... Appellant/Petitioner

Vs.

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

2.The Firka Surveyor,
Melur,
Madurai District.

3.S.Nallathambi

4.S.Sivarama Krishnan

5.S.Savithiri

... Respondents/Respondents

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



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WEB COPY file of this Court.

For Appellant : Mr.R.Murali

For Respondents : Mr.S.P.Maharajan (R1 & R2)
Special Government Pleader

: Mr.S.Ram Sundar Vijayraj (R3 to R5)

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order of the learned Single Judge in W.P(MD)No.22836 of 2025, dated 24.09.2025, whereby, while permitting the survey, a direction was issued that the first and second respondents shall not erect any fence, wall or the like around the property, the writ petitioner, as appellant, has preferred the present Writ Appeal.

2.It is the contention of the learned counsel appearing for the appellant/writ petitioner that the writ petitioner is the absolute owner of the property and that the private respondents have no manner of right over the



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same. It is submitted that the private respondents claim to be second class legal heirs of the vendor of the writ petitioner. It is further submitted that the vendor of the writ petitioner had already filed a suit in O.S.No.5 of 2012 on the file of the learned I Additional District Judge, Madurai, which was dismissed by judgment dated 09.02.2001, and as against the same, an appeal has been preferred by the private respondents.

3. According to the learned counsel appearing for the appellant, mere fencing of the land would not take away the rights of the private respondents and, even if they succeed, they can take possession of the property along with the fence. Aggrieved by the said direction of the learned Single Judge restraining the erection of a fence, wall or the like around the property, the present Writ Appeal has been filed.

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



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5.It is brought to the notice of this Court that the writ petitioner has already filed a suit in O.S.No.85 of 2025 on the file of the learned District Munsif, Melur, as against the private respondents herein and has obtained an order of interim injunction against them in I.A. No.3 of 2025 in O.S. No.85 of 2025, vide order dated 02.07.2025.

6.In the above circumstances, considering the fact that the private respondents claim rights through the vendor, whose suit in O.S.No.5 of 2012 has already been dismissed, we are of the view that the mere act of fencing the property would not, in any manner, prejudice or affect the rights of either party. In the event the private respondents succeed in the pending civil proceedings, the existence of a fence would not impede or defeat the enforcement of their rights over the property.



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7. With the above observations, this Writ Appeal is disposed of. No costs.

[N.S.K.,J.] [M.J.R.,J.]
06.04.2026

NCC : Yes / No
Index : Yes / No
ps

To

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

2. The Firka Surveyor,
Melur,
Madurai District.



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and
M.JOTHIRAMAN,J.

ps

ORDER MADE IN
W.A(MD)No.102 of 2026

DATED : 06.04.2026