

WP(MD). No.9652 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01/07/2026

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THE HONOURABLE MRS. JUSTICE S.SRIMATHY

WP(MD). No.9652 of 2026 and
WMP(MD).No.7680 of 2026

A.C.Asaithambi

... Petitioner

Vs

1. The District Collector,
Pudukkottai,
Pudukkottai District.

2. The Tahsildar,,
Karambakudi Taluk,
Pudukkottai District..

3. The Block Development OfficeR,
Karambakudi Panchayat Union,
Karambakudi and Taluk,
Pudukkottai District..

4. K.Ravichandran
5. R.Pavalarani

6. The Inspector of Police,
Karambakurichi Police Station,
Karambakudi Taluk,
Pudukkottai District.

... Respondents

(6th respondent impleaded vide order dated 01.07.2026)



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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 2nd Respondent to survey the property in Survey No.30/10A2 and Survey No.30/10B2 then relocate the tap water facility erected in the common pathway in Survey No.30/10A2 under the 2024-2025 Scheme and further direct to remove the obstruction caused in front of petitioner gate, thereby ensuring free and unobstructed access to petitioner newly constructed house in Survey No.30/10B2 within the stipulated time fixed by this Court.

For Petitioner : Mr. A.C.Asaithambi (Party-In-Person)

For Respondents 1 to 3 : Mr.K. Saravanan,
Counsel for State

For respondents 4 & 5 : Mr. A. Jaya Ramachandran

For respondent No.6 : Mr. J. Vishnu
Government Advocate (Crl. side)

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Mandamus directing the 2nd respondent to survey the property comprised in Survey Nos.30/10A2 and 30/10B2, relocate the tap water facility erected in the common pathway situated in Survey No.30/10A2 under the 2024-2025 Scheme, and remove the obstruction caused in front of the petitioner's gate, thereby ensuring free and unobstructed access to the



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petitioner's newly constructed house situated in Survey No.30/10B2, within the time frame fixed by this Court.

2. According to the petitioner, the property comprised in Survey No.30/10A2 (Old Survey No.30/5), measuring an extent of 24 cents, was jointly purchased by the petitioner's father, namely, Chelliah, S/o. Malaiyan, and the father of the 4th respondent, namely, Karuppiyah, who are brothers, under a registered Sale Deed dated 01.10.1964, registered as Document No.1129 of 1964. Thereafter, according to the petitioner, an understanding was arrived at between the petitioner's father and the father of the 4th respondent, under which the southern portion of the property was occupied by the petitioner's father and the northern portion was occupied by the father of the 4th respondent. Both of them constructed small houses in their respective portions and were residing there peacefully.

3. According to the petitioner, though there was no formal partition between the parties, based on the advice of the villagers, the total extent of 24 cents was divided equally, and 12 cents was allotted to the



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petitioner, while the remaining 12 cents was allotted to the father of the 4th respondent. Access to the main road was provided through the Panchayat pathway.

4. The petitioner contends that there exists a pathway in between the petitioner's property and the property of the 4th respondent. However, the said pathway is disputed by the 4th respondent, who claims that the pathway forms part of his property and, therefore, he is entitled to erect a water pipeline therein. According to the petitioner, he has not surrendered or earmarked any portion of his property for such purpose, and the erection of the pipeline has obstructed his access to his property.

5. This Court is of the view that the above dispute involves disputed questions of fact relating to the title, possession and right of usage over the alleged pathway. Such issues cannot be adjudicated in the present Writ Petition and the parties have to approach the competent Civil Court for appropriate relief.

6. However, considering the limited relief sought by the petitioner,



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the 2nd respondent is directed to survey the petitioner's property alone, based on the Sale Deed dated 01.10.1964 and the connected revenue records. As far as the property belonging to the 4th respondent is concerned, the 2nd respondent shall not conduct any survey, and the rights and claims of the parties over the pathway shall be decided only by the competent Civil Court.

7. The parties shall maintain the existing position with regard to the disputed pathway until the rights of the parties are adjudicated by the competent Civil Court. According to the petitioner, the water pipeline was permanently erected during the year 2024. The said issue shall also be subject to the decision of the competent Civil Court.

8. In view of the above, the 2nd respondent / Tahsildar is directed to issue notice to the petitioner as well as Respondents 4 and 5, and thereafter conduct a survey of the property in accordance with law. If necessary, the 6th respondent shall provide adequate police protection to facilitate the survey. In the event the petitioner seeks to erect boundary stones, the same shall be carried out at the petitioner's cost. The Official



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Respondents shall also adhere to the following Standard Operating Procedures:

a) The Official respondents shall issue notice to the petitioner immediately reaching the spot where survey is to be conducted. The petitioner shall affix the signature by receiving the notice of survey.

b) After survey again the petitioner shall affix signature indicating that the survey was conducted to their satisfaction.

c) If the petitioner is not satisfied, then also the petitioner shall affix signature indicating their dissatisfaction or with protest. The petitioner shall indicate that reason of their dissatisfaction or protest.

The aforesaid procedure shall be strictly followed by all the parties concerned. The entire exercise shall be completed within a period of



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twelve (12) weeks from the date of receipt of a copy of this order.

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

01.07.2026

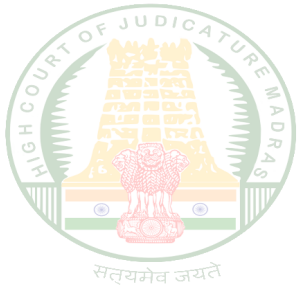
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