



WP(MD)No.6569 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.6569 of 2023

and

WMP(MD)Nos.6234, 6235, 14777 of 2023

Senguttuvan

... Petitioner

v.

1.The District Collector,
Pudukottai District.

2.The Tahsildar,
Alangudi Taluk,
Pudukottai District.

3.The Firka / Taluk Surveyor,
Alangudi Taluk,
Pudukottai District.

4.Selvam

5.Umarani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned survey notice issued by the second



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respondent in Na.Ka.S/1203/2023 dated -.02.2023 and signed on 11.03.2023 and quash the same and consequently, directing the second respondent to make subdivision of the land measuring 0.09.0 Ares in S.No. 279/5C2, in Vadakadu Village, Alangudi Taluk, Pudukottai District, afresh, according to the sale deeds of the petitioner, the respondents 4 & 5 and other purchasers, with the help of the third respondent.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R.1 to R.3

No appearance for R.4

Mr.K.Paranjothi for R.5

ORDER

This writ petition is filed as against the proceedings of the second respondent / Tahsildar seeking police protection for survey of the land in S.No.279/5C2B.

2.Learned Counsel for the petitioner submitted that the private respondents, by creating a document with two more cents, are attempting



to establish title over the property with the help of the Surveyor. Therefore, he has raised certain objections before the Surveyor. He further submitted that the land in S.No.279/5C2 has been sold to five different persons and without any subdivision, therefore, without a notice to all the land owners in that survey number, there cannot be any survey. However, without considering the same, the Surveyor is intending to proceed with the survey.

3.Learned Counsel for the fifth respondent submitted that without even producing any documents to show his actual extent of land, the petitioner has filed this writ petition. He further submitted that the fifth respondent is having a proper title and he is prepared to produce the same before the Surveyor. The petitioner has, in fact, filed a civil suit as against the vendor of the fifth respondent before the District Munsif Court, Alangudi, in OS.No.47 of 2018 and has lost the case. Without referring to the order of dismissal of the suit, this writ petition came to be filed.

4.This Court considered the rival submissions made on either side.



5.By the order impugned in this writ petition, the Survey Officer has sought for protection from the Police Department to conduct the survey.

The petitioner objects the survey that the private respondents are showing more extent of land and on the other hand, the fifth respondent claims that he is having valid documents. If there is any objection from the adjacent land owners, the Survey Officer has to conduct enquiry by issuing a notice u/s.10(1) of the Tamil Nadu Survey and Boundaries Act. After hearing the parties and perusing the documents, the Survey Officer has to pass appropriate orders on the objections. The parties are also having an appeal remedy before the District Surveyor.

6.In view of the above position, this writ petition stands disposed of in the following terms:-

- i) The impugned notice shall be treated as a notice issued under Sub-Section 1 of Section 10 of Tamil Nadu Survey and Boundaries Act, 1953.
- ii) The petitioner shall appear for enquiry before the Surveyor on 02.08.2023 and shall raise his objections, along with documents.
- iii) The respondents 4 & 5 shall appear for enquiry before the



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Surveyor on 05.08.2023 along with documents.

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iv) The Surveyor shall also issue notice to the other adjacent land owners in S.No.279/5C2 for enquiry.

v) The Surveyor shall, thereafter, conclude the enquiry and pass an order as required u/s.10(1) of the Act, within a period of four weeks from the date of receipt of a copy of this order.

vi) The aggrieved parties shall work out their remedy before the appellate authority, if so advised.

In fine, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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To

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