



WP (MD) No.11861 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

WP(MD)No.11861 of 2023 and  
WMP(MD) Nos.10281 &17144 of 2023

Karuppaiah

... Petitioner

Vs

1.The District Registrar,  
Department of Registration,  
Madurai South Registration Office,  
Palace Road,  
Madurai – 625 001.

2.The Sub Registrar,  
Sub-Registrar Office,  
Sub Registration Office,  
Madurai South,  
Madurai.

3.The Head Surveyor,  
Madurai South Taluk,  
Madurai District.

4.R.Ravichandran

... Respondents



WP (MD) No.11861 of 2023

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in connection with the impugned order of the first respondent in Na.Ka.No.10845/Aa2/2022 dated 20.04.2023 and quash the same as illegal.

For petitioner : Mr.M.Jegadeesh Pandian  
For R1 to R3 : Mr.M.Sarangan  
Additional Government Pleader  
For R4 : Mr.A.Ganesan

### **ORDER**

The case of the petitioner is that the petitioner purchased two plots in Plot Nos.45 and 46 to an extent of 2747 sq.ft in S.No. 188/4, Anuppanadi Village, Madurai from one K.Amutha vide Document No.1510/2013, dated 25.02.2013. The eastern side of the property in S.No.188/6 to an extent of 36 cents originally belongs to one Saraswathiammal and her legal heirs. The property in S.No.188/6 was sold out in the year 1991 to 1998. However, the patta was not mutated in the name of the purchasers. According to the learned



WP (MD) No.11861 of 2023

WEB COPY

counsel for the petitioner, 10 cents of land in S.No.188/6 was purchased by one K.Saravana Sundar and he sold the property to one Ravichandran, who is the fourth respondent herein. Taking advantage of the patta stands in the name of Saraswathiammal, the fourth respondent herein along with the legal heirs of Saraswathiammal have fraudulently registered a document No.8218/2022, dated 21.07.2022 before the second respondent. Hence, the petitioner submitted a representation to the first respondent on 12.12.2022 for cancellation of the above document. In the meantime, the fourth respondent has filed a writ petition in WP(MD) No.28520 of 2022 for survey of his land and the same was disposed of by this Court on 20.12.2022 with a direction to the survey authority to complete the survey within a period of six weeks after issuing notice to all the interested parties. Now the impugned proceedings has been passed by the first respondent that after completion of survey by the revenue officials as per the order of this Court and if the report is in favour of the petitioner, necessary



WP (MD) No.11861 of 2023

action would be taken on the petitioner's application. Aggrieved over the same, the petitioner is before this Court.

2.The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that the petitioner's land is S.No. 188/4 and the fourth respondent's land is S.No.188/6 and there is no conflict of interest between the parties. In the meantime, the fourth respondent has submitted an application for survey of his land and on completion of the survey, further action would be taken on the application of the petitioner.

3.The learned counsel appearing for the fourth respondent submits that the fourth respondent has purchased a separate property in S.No.188/6 and he has not claimed any right over the petitioner's property in S.No.188/4. The fourth respondent has made a request to conduct the survey and identify his property. However, in view of



WP (MD) No.11861 of 2023

pendency of this writ petition and an interim order already granted by this Court, the Survey Officer has not conducted the survey.

4.This Court considered the rival submissions made.

5.The petitioner's case is that he is the owner of the property in S.No.188/4. The fourth respondent is the owner of the property in Survey No.188/6. The petitioner claims that the vendor of the fourth respondent without any title and without any piece of land has sold the land in favour of the fourth respondent with regard to the property in S.No.188/6. The fourth respondent claims that he has purchased the land through a valid registered document and his vendor is also having valid registered document. The fourth respondent has approached the Survey Officer to survey and identify his property. In the impugned proceedings, the District Registrar has made it clear that the petitioner's application would be considered after conducting



WP (MD) No.11861 of 2023

WEB COPY

survey by the revenue officials. This Court is of the view that there is no infirmity in the proceedings of the District Registrar, Madurai.

6.In view of the above, this writ petition is disposed of with a direction to the survey officer to conduct survey, identify the lands in S.No.188/4 and 188/6 and fix boundaries after conducting an enquiry as contemplated under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923. After completion of survey, necessary action shall be taken on the petitioner's application, if necessary. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

**19.09.2023**

NCC :Yes/No  
Index :Yes/No  
Internet:Yes  
vrn



WP (MD) No.11861 of 2023

WEB COPY

To

- 1.The District Registrar,  
Department of Registration,  
Madurai South Registration Office,  
Palace Road,  
Madurai – 625 001.
- 2.The Sub Registrar,  
Sub-Registrar Office,  
Sub Registration Office,  
Madurai South,  
Madurai.
- 3.The Head Surveyor,  
Madurai South Taluk,  
Madurai District.



WEB COPY



WP (MD) No.11861 of 2023

**B.PUGALENDHI, J.**

vrn

**Order made in**  
**WP(MD)No.11861 of 2023 and**  
**WMP(MD) Nos.10281 &17144 of 2023**

**19.09.2023**