



W.P.(MD)No.499 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED **09.01.2024**

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P.(MD)No.499 of 2024

and

W.M.P.(MD)No.523 & 526 of 2024

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...Petitioner

/Vs./

1.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District- 630611.

2.The Firga Surveyor,
Department of Land Survey,
Thiruppuvanam Taluk Office,
Sivagangai District - 630611.

3.Saravanakumar

4.Karthik

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice bearing No.FL.W.P.(MD) No. 27928 of 2023 dated 24.11.2023 on the file of the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to relegate the parties to Civil Court.



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For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Ms.K.Christy Thebral (R1 & R2)

Additional Government Pleader

Mr.VR.Shanmuganathan (R3 & R4)

ORDER

This writ petition has been filed challenging the impugned notice bearing No.FL.W.P.(MD) No. 27928 of 2023 dated 24.11.2023 on the file of the 1st respondent with a further direction to the 1st respondent to relegate the parties to the Civil Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the official respondents and the learned counsel, who takes notice for the private respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner's husband and his siblings were allotted S.No.9/1 and 9/2 as shares of the family properties through a will. Since the date of the will, they were in possession and enjoyment of the same. Based on the family arrangement, patta was mutated in



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the petitioner's husband and his brothers' names, since their sisters relinquished their rights by receiving seedhana articles. In the meantime, the name of the petitioner's aunt was wrongly mutated in the revenue records and subsequently her daughters' names were also mutated in the same. After demise of the petitioner's husband, his brother was taking care of all the civil disputes. In this regard, a suit was also filed in O.S.No.94 of 2023. Now, the respondents 3 and 4 are trying to create problems by surveying the aforesaid property. Hence, the petitioner challenges the impugned notice issued for survey of the land.

4. The learned counsel appearing for the petitioner submits that without following the guidelines issued in WP(MD)No.27928 of 2023 dated 24.11.2023, which was filed by the respondents 3 and 4, the first respondent issued the impugned survey notice, even pending civil disputes among the parties.

5. The learned Additional Government Pleader appearing for the official respondents submits that survey is going to be conducted only in S.No.9/2B1.

6. It is seen from the order passed in WP(MD)No.27928 of 2023 dated 24.11.2023 that this Court has given clear directions to the survey authority to



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give notice to the adjacent land owners and the interested persons and the enquiry shall be held. During enquiry, the objections raised by any of the parties shall be considered and survey will be conducted only after a period of six weeks to enable the objectors to move the competent civil Court for agitating their rights. While that being so, according to the petitioner, the respondent has not issued any notice to hear any objections of the objectors and straight away issued the impugned notice for directing them to appear before the authorities to survey the land. It is also seen from the notice that it only speaks about the measurmenet of S.No.9/2B1.

7. Considering the above facts and circumstances of the case, this Court directs the petitioner to approach the authorities with all relevant documents and establish her right regarding this issue and the same shall be considered by the respondents and appropriate orders shall be passed by the official respondents regarding survey of the land.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.01.2024

NCC : Yes/No

Index : Yes/No



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Thiruppuvanam Taluk Office,
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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P(MD)No.499 of 2024

Dated:
09.01.2024