



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

WEB COPY

Monday, the Twenty Third day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD). No.18437 of 2024

in

W.P.(MD)No.14956 of 2024

Rajakumari

... Petitioner/3rd Respondent

Vs

1. Mangaiyarkarasi

...1st Respondent

**2. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.**

**3. The Firka Surveyor,
Thiruvadanai Taluk,
Ramanathapuram District.**

4. Muthuramalingam

... Respondents 2 to 4/ Respondents 1, 2 and 4

Prayer in WMP(MD). No.18437 of 2024 :-

Writ Miscellaneous Petition Under Article 226 of the Constitution of India, to recall the order dated 05.07.2024 made in WP No.14956/2024.

Prayer in W.P.(MD)No.14956 of 2024:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this

Court to issue a Writ of Mandamus directing the 1st and 2nd respondents to

<https://www.mca21.in.gov.in/jss>



measure, fix four boundaries and to erect boundary stones by surveying the properties in Survey No. 285/29 and Survey No. 285/50 each nearly with an extent of 2 cents at Kiliyur Village, Thiruvadanai Taluk, Ramanathapuram District by following the provisions of the Tamil Nadu Survey and Boundaries Act, 1923.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. PT.S.Naredravasan, Advocate for the Petitioner and of M/S. D.Venkatesh For R1,R.Ragavendran For R2 & R3, Government Advocate for the respondent(s), this Court made the following order:

Heard both sides.

2.The first respondent herein filed W.P.(MD)No.14956 of 2024 for conducting survey. The writ petition was disposed of on 05.07.2024 by issuing the usual set of directions. Aggrieved by the same, Rajakumari, the third respondent in the writ petition filed this recall petition.

3.It is not in dispute that Mangaiyarkarasi is having patta in her name. She is therefore entitled to seek conducting of survey. Of course, the survey authority has to issue notice to all the interested persons. Since Rajakumari has filed a civil suit against Mangaiyarkarasi, Rajakumari has to be put on notice. It is agreed that Rajakumari has also already been issued with notice and Rajakumari has given her objections. It is for the Tahsildar, Thiruvadanai Taluk to consider Rajakumari's objections and pass a speaking order. If Rajakumari's objections are to be overruled,



Rajakumari has to be given the breathing time to get injunction from the jurisdictional Civil Court. I also clarified that the outcome of survey cannot lead to dispossession of any person and even fencing cannot be put up without getting permission from the Civil Court. Only survey stones can be installed. I am therefore satisfied that the directions issued by me do not in any way affect the petitioner's rights. There is no need to recall the order dated 05.07.2024 made in W.P.(MD)No.14956 of 2024 and the miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/10/2024

Sub Assistant Registrar
(CS-1/II/III/IV)

TO

1. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
2. The Firka Surveyor,
Thiruvadanai Taluk,
Ramanathapuram District.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.



+1CC TO PT.S.Naredravasan, Advocate SR.No.53094.

WEB COPY

ORDER DATED : 23/09/2024

=====

ORDER

=====

WMP(MD). No.18437 of 2024
in
W.P.(MD)No.14956 of 2024

BV (19/10/2024) 4P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.