



W.P(MD)No.24178 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24178 of 2024

Raju

... Petitioner

Vs

**1. The Tahsildar,
Rajapalayam,
Virudhunagar District.**

**2. The Surveyor,
Rajapalayam Taluk,
Virudhunagar District.**

3. Velusamy

... 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 to the proceedings in Na.Ka.F.L.A.456/2024 dated 31.07.2024 on the file of the 1st respondent and quash the same and consequently direct the respondents to survey and to earmark the four boundaries of petitioner's Punja land properties in S.Nos.857/1C and 857/3A in Patta No.6076 situated at Melakularaman Revenue Village, Rajapalayam Taluk, Virudhunagar District on the basis of petitioner's representation, dated 27.09.2023.



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For Petitioner : Mr.R.Niresh Kumar,

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

This Writ Petition has been filed seeking to set aside the proceedings in Na.Ka.F.L.A.456/2024 dated 31.07.2024 issued by the first respondent and to direct the respondents to conduct a survey and mark boundaries for the petitioner's land in S.Nos.857/1C and 857/3A in Patta No.6076 situated at Melakularaman Revenue Village, Rajapalayam Taluk, Virudhunagar District.

2.The petitioner claims that he is the owner of the land in S.Nos. 857/1C and 857/3A in Patta No.6076, situated at Melakularaman Revenue Village, Rajapalayam Taluk, Virudhunagar District. According to the petitioner, the subject property belongs to him and his brother, namely, Velusamy, by way of a gift settlement deed executed by their mother, namely, Lakshmi Ammal vide document No.616 of 1988, dated



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13.06.1988. On 27.09.2023, the petitioner has applied for conducting survey with necessary fee of Rs.800/-. However, the petitioner's application was rejected by the first respondent on three grounds that the application has not been sent through online, there are objections from the joint pattadhar and a suit in O.S.No.594/2023 and an application in I.A.No.1 of 2023 seeking permanent injunction are pending.

3.The learned Counsel for the petitioner submits that the petitioner was not aware of the process of filing online application. He also submits that now the petitioner has filed an application through online. With regard to the suit referred by the Tahsildar, Rajapalayam, it is pertaining to some other survey number and not pertaining to the property in S.Nos.857/1C and 857/3A.

4.The learned Counsel for the petitioner further submits that if an opportunity is provided, the petitioner would place the copy of the plaint before the authorities and establish his case and would convince the officials that the suit is not pertaining to the survey number, for which, the application has been made. With regard to the third objection, he submits that the property is a joint family property of the petitioner and



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his brother. There are some issues between them. However, he would convince his brother and would submit a fresh application along with his brother.

5.The learned Government Advocate by referring the impugned order submits that on these three grounds the first respondent has refused to entertain the petitioner's application. If an application has been sent through online, the first respondent would consider the same.

6.This Court considered the rival submissions made.

7.The petitioner's application seeking to conduct survey has been rejected on the following grounds:

- 1.The petitioner has not sent the application through online.
- 2.The joint pattadhar has raised objections to conduct survey.
- 3.A suit in O.S.No.594/2023 and an application in I.A.No.1/2023 are pending with regard to the subject property.

8.The learned Counsel for the petitioner has substantiated that the first ground has been complied with by filing an application through



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online. He has also convinced that the suit is not pertaining to the S.Nos. 857/1C and 857/3A. The only other ground is that there was an objection from the co-sharer. According to the petitioner, this property has been gifted by his mother vide Document No.616 of 1988, dated 13.06.1988. If the petitioner's brother/Velusamy is having any objections, the same has to be recorded and necessary order has to be passed. A survey can be conducted based on the document No.616 of 1988, dated 13.06.1988. In the event if there is no details fixing their respective share in the gift deed, then the survey officer shall measure the entire land and fix the boundary for the entire land as per Document No. 616 of 1988. If any specific property has been assigned to the petitioner and his brother, the survey shall be conducted as per the Document No. 616 of 1988.

9..With the above direction, this Writ Petition is disposed of. No costs.

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Internet :Yes
Index :Yes/No
NCC :Yes/No
LR



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WEB COPY

To

1. The Tahsildar,
Rajapalayam,
Virudhunagar District.

2. The Surveyor,
Rajapalayam Taluk,
Virudhunagar District.



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B.PUGALENDHI, J.

LR

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