



W.P(MD)No.23981 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.23981 of 2024 and
WMP(MD) Nos.20311 & 20312 of 2024

1. B. Sureshpandian
2. Pitchaiammal
3. Veeramanikandan
4. Amutha
5. Petchi
6. Esthar

... Petitioners

Vs

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.
- 3.The Tahsildar,
Authoor Taluk,
Authoor,
Dindigul District.
- 4.The Firka Surveyor,
Authoor Taluk,
Authoor, Dindigul.



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5.The President,
Manalur Village Panchayath,
Perumpari,
Athoor Taluk,
Dindigul District.

6.Isabellarani

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the Impugned Notice of Survey issued by the 4th Respondent vide his Proceedings in Me.Mu. No. 2264/2024, dated 16.09.2024 pertaining to the S.Nos. 31/3, 70/1 and 70/3 at Manalur Village, Athoor Taluk, Dindigul District and quash the same as illegal and for other reliefs.

For Petitioners	: Mr. J. Lawrance,
For R1 to R4	: Mr.B.Saravanan Additional Government Pleader
For R5	: Mr.D.Nedunchezian Government Advocate
For R6	: Mr.R.S.Sivaram

ORDER

Notice of survey issued by the Tashildar, Aathur in M.M.No.2264 of 2024, dated 16.09.2024 is challenged in this writ petition.



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2.The impugned survey notice has been issued by the Tahsildar, based on the request of one Isabellarani/the sixth respondent herein for conducting survey of the land in S.No.31/3 and 70/1 & 3. The application of the sixth respondent has been considered by the Tahsildar and the date of survey was fixed on 08.10.2024 at 11.00 a.m. The petitioners claim that they are residing in the above said property for several decades and therefore, aggrieved over the survey notice, they have filed this writ petition.

3.The learned counsel appearing for the petitioners submits that these petitioners are residing in the subject property for several decades. However, without issuing any notice to the petitioners, who are the residents of the subject property, the respondents are attempting to conduct the survey, on the application made by the sixth respondent.



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4.Mr.B.Saravanan, learned Additional Government

Pleader, who takes notice for the respondents 1 to 4 submits that based on the application submitted by the sixth respondent for survey of her property, they are proposed to conduct survey. In case, if the petitioners are having any objections, they can very well submit the same before the survey officer and it would be considered by the respondents.

5.Mr.R.S.Sivaram, learned counsel seeks permission of this Court to appear on behalf of the sixth respondent and submits that the subject property is the ancestral property of the sixth respondent. They are in possession of the subject property from the year 1924 and the related revenue records stand in the name of the sixth respondent. However, the petitioners, who are the tenants, taking advantage of their long occupation of the subject property, want to usurp the same and raising objections for conducting survey.



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6.This Court considered the rival submissions made and also perused the materials placed on record.

7.The petitioners claim that they are the residents of the subject property for several decades, however, without issuing any notice to them, the respondents are attempting to conduct survey in the subject property, based on the application submitted by the sixth respondent. The sixth respondent claims that the subject property is her ancestral property and these petitioners are the tenants. However, taking advantage of their occupation for a long time, they want to usurp the property.

8.In view of the above, this Court, without expressing anything on the merits of the claim made by these petitioners on the subject property, this writ petition is disposed of, with a direction to the Survey Officer to conduct an enquiry, under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923, by affording opportunity to the petitioners herein and considering their



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objections, if any and pass suitable orders. The aggrieved party on the order passed by the Survey officer is at liberty to invoke their appeal remedy, under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923. No costs. Consequently, connected Miscellaneous petitions are closed.

14.10.2024

NCC :Yes/No
Index :Yes
Internet :Yes
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