



W.P(MD)No.24243 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24243 of 2024

P. Gopalakrishnan

... Petitioner

Vs

**1. The Tahsildar,
Aranthangi Taluk,
Pudukottai District.**

**2. The Surveyor,
Mookudi Village,
Aranthangi Taluk,
Pudukottai District.**

3. Manikandan Nivash

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's objection dated 02.09.2024 and 30.09.2024 and pass appropriate orders on the application of the third respondent in respect of the property comprised in Survey No. 3074/5A1 situated at Mookudi Village, Aranthangi Taluk, Pudukottai district.



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For Petitioner : Mr.T.Leninkumar,
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader
For R3 : Mr.Paranjothi
For M/s.K.B.S.Law Office

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to consider the petitioner's objection dated 02.09.2024 and 30.09.2024, with regard to the application of the third respondent in respect of the property in Survey No. 3074/5A1 at Mookudi Village, Aranthangi Taluk, Pudukottai District.

2.The case of the petitioner is that the S.No.307/5A1 is the property of his grandfather/Rasu and it has been in their possession. In the mean time, by creating a false document, the third respondent is attempting to put up fence. For the purpose of putting up the fence, the third respondent has also applied for conducting survey. The petitioner at the time of conducting survey, has raised his objections on 02.09.2024 and also on 30.09.2024. However, the survey official has not passed any



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order as required under Section 10 of the Tamilnadu Survey and Boundaries Act. Therefore the petitioner has approached this Court.

3.The learned Additional Government Pleader submits that the father of the third respondent is the owner of the property in S.No. 307/5A1 to an extent of 15 3/4 cents pursuant to the settlement deed executed by the petitioner's father, dated 27.12.2017. Based on this settlement deed, the third respondent has approached the revenue officials for conducting survey and the same was considered and an attempt was made to conduct survey on 02.09.2024. On that day, the petitioner has raised objections and therefore, survey could not be conducted. Again the revenue officials have attempted to conduct a survey on 30.09.2024. Even on that day, the petitioner has raised certain objections. Therefore, survey was not conducted on that day also. Since the petitioner is raising objections, the revenue officials are not in a position to conduct the survey.

4.At the time of admission, Mr.Paranjothi, learned Counsel has sought permission to appear for the third respondent and submits that the request for conducting survey has been made only based on the



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settlement deed, dated 27.12.2017 executed by the petitioner's father in favour of the third respondent's father. The petitioner without any valid reason, is raising objections and preventing the survey officials from proceeding with the survey.

5.This Court has considered the rival submissions made.

6.It appears that the request for conducting survey was made based on the settlement deed executed by the petitioner's father on 27.12.2017 in favour of the father of the third respondent. Admittedly, the land in S.No.307/5A1 to an extent of 1 acre 49 cents is the property of the petitioner's grandfather/Rasu. The petitioner's grandfather has executed a gift deed in favour of his daughter/Kalaiselvi, to an extent of 74.5 cents in the year 1986. The said Kalaiselvi, in turn has executed a settlement deed in favour of her brother/petitioner's father on 01.02.2017 for the land in S.No.307/5A1 to an extent of 74.5 cents. The petitioner's father appears to have executed a settlement deed in favour of his brother/third respondent's father on 27.12.2017. Now, the application is made for conducting a survey for the land in S.No.307/5A1 to an extent of 15 3/4 cents based on the settlement deed, dated 27.12.2017. Even according to



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the petitioner, the petitioner's father without his knowledge has executed the settlement deed, dated 27.12.2017 and they are in occupation of the same. The petitioner claims he is not aware of the settlement deed, dated 27.12.2017 and if he is having any grievance with regard to the settlement deed executed by his father, he has to workout his remedy only before the competent civil Court.

7. Therefore, this Court is not inclined to entertain this petition. Accordingly, this writ petition stands dismissed with a direction to the survey officials to complete the survey with necessary police protection and conclude the same, within a period of four weeks from the date of receipt of a copy of this order. No costs.

16.10.2024

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

LR



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To

1. The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

2. The Surveyor,
Mookudi Village,
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B.PUGALENDHI, J.

LR

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