



WP(MD)No.24026 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.24026 of 2024
and
WMP(MD)No.20344 and 20345 of 2024**

A.Arockiadhass

...Petitioner

Vs

**1.The District Collector,
Dindigul District,
Dindigul.**

**2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.**

**3.The Head Surveyor,
Dindigul West Taluk,
Dindigul District.**

4.S.Velmurugan

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the proceedings made in F.L.No.006267/2024 dated Nil issued by the 2nd respondent herein for the demarcation of the properties found in S.Nos.98/4B, 97/6B and 97/6C of Sindhalakundu Village, Dindigul West Taluk, Dindigul District and quash the same and consequently restraining the respondent Nos.2 and 3 from conducting any survey of



WP(MD)No.24026 of 2024

demarcation of properties found in S.Nos.98/4B, 97/6B & 97/6C of Sindhalakundu Village, Dindigul District till the completion of the suit proceedings in OS.No.184 of 2024 pending before the Special Sessions Court for SC & ST Act Cases, Dindigul District.

For Petitioner : Mr.K.Anna

For Respondent : Mr.B.Saravanan,

Nos.1 to 3 Additional Government Pleader

ORDER

The notice issued by the Tahsildar, Dindigul West Taluk dated Nil, for conducting survey is challenged in this writ petition. By the impugned notice the Tahsildar has fixed the date for conducting survey of the lands in S.Nos.98/4B, 97/6B & 97/6C of Sindhalakundu Village, Dindigul District on 15.10.2024 at about 10.00am, based on the application of the 4th respondent.

2.The case of the petitioner is that the lands in S.Nos.98/4B, 97/6B & 97/6C of Sindhalakundu Village, Dindigul District belong to the petitioner's father Arul Gnanaprakasam and one Manickam. The 4th respondent has purchased the property from the legal heirs of Manickam and has made an



WP(MD)No.24026 of 2024

application for survey. According to the learned Counsel for the petitioner there is a common pathway in this land, leading to the common well as well the petitioner's land. Under the guise of survey, if the 4th respondent blocks the common pathway, the access to his property would be affected. The learned Counsel also submits that in this regard the petitioner has filed a civil suit before the District and Special Sessions Court for SC/ST Act Cases, Dindigul in OS.No.184 of 2024. Therefore, the petitioner has filed this writ petition with the above prayer.

3.The learned Additional Government Pleader appearing for the official respondents submits that based on the application submitted by the 4th respondent, the survey of the subject lands has been proposed and notice has been issued to the petitioner. If the petitioner is having any objection, he can raise it at the time of survey and it is the statutory obligation on the part of the Surveyor to conduct survey based on the application of the land owner.

4.This Court considered the rival submissions made.



WP(MD)No.24026 of 2024

5.The respondents have proposed to conduct survey based on the application of the 4th respondent. Mere conducting survey does not confer right on anyone. If the petitioner is having any right over the subject lands, he can establish his right in the suit filed by him. Therefore, this writ petition is disposed of with liberty to the petitioner to raise his objection at the time of survey and the same shall be considered as per Section 10 of the Tamil Nadu Survey and Boundaries Act. No costs. Consequently connected miscellaneous petitions are closed.

14.10.2024

Internet : Yes / No
Index : Yes / No
DSK

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 3.The Head Surveyor,
Dindigul West Taluk,
Dindigul District.



WEB COPY



WP(MD)No.24026 of 2024

B.PUGALENDHI.J.,

DSK

WP(MD)No.24026 of 2024

14.10.2024