



W.P.(MD) No.25478 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25478 of 2024

1.P.Thangavel

2.A.R.Akbar

.. Petitioners

Vs.

1.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

2.The Taluk Surveyor,
Vedasandur Taluk,
Dindigul District.

3.C.Vellaisamy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent, dated 30.08.2024 and quash the same and consequently direct the 1st and 2nd respondents to conduct survey in the lands comprised in Survey Nos.406/1B2A and 406/1B2B situated at Vedasandur Village, Vedasandur Taluk, Dindigul District.



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For Petitioners : Mr.C.Prithviraj
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

For conducting a survey and demarcation of the boundaries in respect of his property comprised in Survey Nos.406/1B2A and 406/1B2B at Vendasandur Village, Dindigul measuring an extent of one acre 25 cents and 35 cents respectively purchased under a sale deed, dated 06.06.2024, the petitioner is before this Court.

2. The petitioner's request has been rejected on the ground that a suit in O.S.No.167 of 2024 is pending and therefore, till the disposal of the suit, survey cannot be conducted.

3. Heard the learned counsel on either side.

4. The only ground on which the petitioner's request has been turned down is that a suit is pending. The suit in question is one for



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specific performance filed by one Vellaichamy against four persons and neither the petitioner nor his vendors are parties to the proceedings. The said Vellaichamy is yet to have his title declared to the property. Therefore, the objection of the said Vellaichamy and the pendency of the suit cannot be an impediment for proceeding with the survey.

5. Therefore, the impugned order passed by the 1st respondent, dated 30.08.2024 is set aside and the respondents 1 and 2 are directed to conduct survey and demarcate the boundary. In case the said Vellaichamy obtains a decree in his favour, his objection can be taken note of and if his objections are found to be valid, a speaking order rejecting the request of the petitioner should be passed. If on the other hand, it is found that the said Vellaichamy does not possess any registered document transferring title in his favour, the survey shall be proceeded with. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of copy of this order.



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6. With the above directions, this Writ Petition stands allowed. No costs.

25.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

2.The Taluk Surveyor,
Vedasandur Taluk,
Dindigul District.



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P.T.ASHA, J.

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