



W.P.(MD) No.25633 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25633 of 2023

Ramalingam

... Petitioner

Vs

1. The Tahsildar,
Taluk Office,
Veerakeralampudur Taluk,
Tenkasi District.

2. The Taluk Suveyor,
Taluk Office,
Veerakeralampudur Taluk,
Tenkasi District.

3. Arichandran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari Mandamus, to call for the records relating to the impugned order of 1st respondent in Poo.A.Ma.No. 138/23 dated 27.07.2023 and quash the same and consequently, to direct the respondents 1 and 2 to survey the lands in S.Nos. 286A/7, 343/1, 343/2E, 343/2G, 343/2H, 343/2J1, 341/1B, 341/1C, 342, 344/1A, 287/5A



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and 287/5D situated at Ayan Surandai I Village, Veerakeralam Taluk, Tenkasi District, and fix the boundary by considering the petitioner's application, vide payment of Challan dated 24.04.2023 within the time fixed by this Court.

For Petitioner : Mr.V.S.Kishok Kumar
For R1 & R2 : Mr.D.S.Nedunchezian
Government Advocate
For R3 : Mr.H.Arumugam

ORDER

This writ petition has been filed to quash the impugned order dated 27.07.2023 and consequently, to direct the respondents 1 and 2 to survey the lands in S.Nos. 286A/7, 343/1, 343/2E, 343/2G, 343/2H, 343/2J1, 341/1B, 341/1C, 342, 344/1A, 287/5A and 287/5D situated at Ayan Surandai I Village, Veerakeralam Taluk, Tenkasi District, and fix the boundary by considering the petitioner's application, dated 24.04.2023.

2. The case of the petitioner is that the petition mentioned property



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was purchased from one Subburathinam, vide sale deed dated 26.08.2004 and on the same date, the third respondent herein had purchased an extent of 2.66 acres lying in the northern portion in the above said survey numbers. In respect of the properties situated in Survey Nos.343/2E, 343/2G and 343/2H the patta stands jointly in the petitioner's name and the third respondent's name. On 21.04.2023, the petitioner had made an application for conducting survey in the said property and had also paid necessary fee. Despite the same having been received, the official respondents have not taken any action. Hence, the petitioner has approached this Court.

3. Heard the Counsel on either side.

4. It is stated that a suit is pending in respect of a portion of the property therefore, the survey shall be conducted only with reference to the property that are not covered by the suit in O.S.No.413 of 2023 and the properties mentioned therein shall be kept apart and the survey shall be conducted with reference to the remaining properties. It is made clear



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that till the disposal of the suit in O.S.No.413 of 2023, the fencing of the property shall not be done by the petitioner. It is also made clear that the third respondent shall not remove the survey stones which is embedded in the property.

5. The learned Government Advocate would submit that on earlier occasion when survey was attempted, there was a law and order situation. Therefore, the jurisdictional police shall give necessary police protection as and when requested by the Revenue Officials.

6. With the above said direction, this Writ Petition is partly allowed. No costs.

26.09.2024

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

jbr



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P.T.ASHA, J.

jbr

To

1. The Tahsildar,
Taluk Office,
Veerakeralampudur Taluk,
Tenkasi District..

2. The Taluk Suveyor,
Taluk Office,
Veerakeralampudur Taluk,
Tenkasi District.

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