



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4675 of 2025

1.P.Annamalai
2.P.Kannan
3.P.Marimuthu

... Petitioners

Vs.

1.The District Collector,
District Collectorate Office,
Villupuram.

2.The Tahsildar,
Kandachipuram Taluk Office,
Kandachipuram, Villupuram.

3.The Assistant Director of Survey and Land Records,
The Collector Office Complex,
District Survey Office, Villupuram.

4.The Surveyor,
Thanikalampattu Village,
Kandachipuram Taluk Office,
Kandachipuram, Villupuram.

5.The Village Administrative Officer,
Thanikalampattu Village,
Kadaganur Post, Kandachipuram Taluk.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th and 5th respondent to survey the punjai land located at Villupuram District, Kandachipuram Taluk, Thanikalampattu Village in Patta No.114 situated in Survey No.51/8, 51/9, 51/15, and 51/16 within a time frame fixed by this Court in W.P. (MD) No.13465 of 2020.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.S.Jayachandran
Government Advocate

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 4th and 5th respondents to act upon the representation/application submitted by the petitioners wherein, the petitioners are seeking for the survey and the demarcation of the subject property.

2.Heard Mr.K.Sivabalan, learned counsel appearing on behalf of the petitioners and Mr.S.Jayachandran, learned Government Advocate appearing on behalf of respondents 1 to 5.



3.The grievance of the petitioners is that they submitted an application seeking for survey of the subject property. Necessary charges were also paid. When the same was not acted upon, subsequent representations were made. When the authorities came to survey the property, the same was objected by some of the legal heirs and hence, no survey was conducted. Thereafter, a suit also came to be filed before the Court seeking for the relief of partition. It is under these circumstances, the present writ petition has been filed before this Court.

4.In the considered view of this Court, if a suit for partition is pending before a competent Civil Court and the subject property also forms part of the plaint schedule property, the revenue authorities cannot straight away act upon the application and conduct the survey. The petitioners will have to approach the Civil Court and file an appropriate application for appointment of an Advocate Commissioner who can take the assistance of the Surveyor and thereafter, conduct the survey over the subject property. Hence, liberty is given to the petitioners to go before the Civil Court and seek for the remedy. Except giving this clarity, no further orders can be passed in this writ petition.



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5. This writ petition is disposed of in the above terms. No Costs.

17.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

(2/2)

To

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N. ANAND VENKATESH, J.

SSI

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