



Writ Petition No.5737 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 24.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.5737 of 2025

Ambujam
W/o.Kannan

...Petitioner

Vs.

1.The Tahsildar,
Virudhachalam Taluk,
Cuddalore District.

2.The Surveyor,
Tahsildar Office,
Virudhachalam Taluk,
Virudhachalam, Cuddalore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to survey my land in Survey No.192/10, Mukunthanallur, Virudhachalam Taluk, Cuddalore District and fix boundaries within a stipulated period fixed by this Court.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

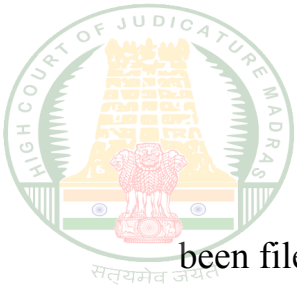


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This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to survey the subject property and demarcate the boundaries based on the representation made by the petitioner on 04.12.2024.

2. Heard Mr.J.Antony Jesus, learned counsel for petitioner and Mr.R.P.Murugan Raja, learned Government Advocate appearing for respondents.

3. The petitioner is claiming right and title over the subject property by means of a Will dated 19.04.1999. The further case of the petitioner is that the revenue records stand in her name. The petitioner also submitted an application on 13.09.2024 seeking for survey of the subject property for demarcation of the boundaries. Immediately thereafter, the neighbour filed a suit in O.S.No.361 of 2024 on the file of Sub Court, Virudhachalam, in which the property belonging to the petitioner is not the suit schedule property. The dispute seems to be touching upon boundaries. Hence, the petitioner made a representation to act upon the application submitted by the petitioner for survey of the property. Since the same was not considered, the present writ petition has



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been filed before this Court.

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4. In the considered view of this Court, a suit is pending in O.S.No.361 of 2024 before the Sub Court, Virudhachalam. Therefore, it will be more appropriate for the petitioner, who is the defendant in that suit, to file an application for appointment of Advocate Commissioner to survey the property with the help of a surveyor. On such application being filed, the trial Court shall deal with it on its own merits and in accordance with law. If ultimately, the survey is conducted and the report is filed before the Court where the suit is pending, it will help the Court to come to a final decision. This Court cannot parallely issue a direction when the suit is pending before the competent civil Court. Except giving this clarity and liberty, no further orders can be passed in this writ petition.

N. ANAND VENKATESH, J

gm



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

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24.02.2025

Neutral citation: Yes/No

Index : Yes/No

Speaking Order / Non Speaking Order
gm

To

1.The Tahsildar,
Virudhachalam Taluk,
Cuddalore District.

2.The Surveyor,
Tahsildar Office,
Virudhachalam Taluk,
Virudhachalam, Cuddalore District.

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