



W.P.No.22255 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**W.P.No.22255 of 2025
and
W.M.P.No.25032 of 2025**

B.Balamurali

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office,
Kallakurichi Taluk,
Kallakurichi.

2. The Head Surveyor / Sub-Inspector,
Kallakurichi Taluk,
Kallakurichi.

3. Manoj

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus forbearing the respondents 1 & 2 herein from conducting survey of the land admeasuring an extent of 4 cents comprised in Survey No.153/7 situated at Udayanachi Village, Kallakurichi Taluk, Kallakurichi District by taking into consideration the petitioner's representation dated 18.06.2025.



WEB COPY



W.P.No.22255 of 2025

For Petitioner : Ms.U.Ramya
For Respondents : Mr.P.Sathish
Addl. Govt. Pleader for R1 & R2

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus forbearing respondents 1 & 2 from conducting survey of the subject property pursuant to the representation submitted by petitioner on 18.06.2025.

2. By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. Since no adverse order is going to be passed, notice to third respondent is dispensed with.

3. The case of the petitioner is that that the petitioner claims title of the property comprised in Survey No.153/7 admeasuring an extent of 4 cents situated at Udayanachi Village, Kallakurichi Taluk, Kallakurichi District through his grandfather viz., Venkatasamy Raja. Apart from that, properties comprised in Survey Nos.155/8, 284/11, 284/13 etc., also



W.P.No.22255 of 2025

WEB COPY

belonged to his grandfather. On the death of petitioner's grandfather and grandmother, the property devolved in petitioner's mother and the revenue records were mutated in favour of his mother viz., Devaki. However in the month of May 2025, second respondent came to survey the said property on the request made by third respondent. Petitioner objected since revenue records stood in the name of his mother. Subsequently, petitioner came to know that third respondent's father purchased the subject property vide sale deed dated 08.08.2001 bearing Document No.1292/2001 fraudulently from one Rangasamy, S/o.Venkatasamy Raja and Devaki Ammal who has mis-represented by misusing similarity in the name of petitioner's grandfather. Subsequently in the year 2021, patta was mutated in the name of third respondent removing petitioner mother's name. The grievance of petitioner is that no enquiry was conducted before changing the name in the patta. Hence, petitioner sent a legal notice to official respondents on 11.06.2024 for which there is no response yet. Second respondent sent a notice dated 14.06.2025 intimating the petitioner that the survey of the subject property will be held on 21.06.2025. Immediately the petitioner



W.P.No.22255 of 2025

WEB COPY

through representation dated 18.06.2025 objected to the same stating that the subject property belongs to his mother. Despite efforts taken by petitioner, second respondent officials are taking steps to conduct survey. Aggrieved by the proposed action of the official respondent, the present writ petition has been filed.

4. Learned counsel for petitioner would submit that petitioner's mother is the owner of the property and thus, notice may have to go to her who is residing in the subject property, before proceeding with the survey, which was agreed to by learned Additional Government Pleader for official respondents.

5. Learned Additional Government Pleader would submit that the concerned respondent would conduct an enquiry after affording an opportunity of hearing to petitioner, his mother viz., Devaki, third respondent and any other interested parties and orders will be passed within the time frame to be fixed by this Court.



W.P.No.22255 of 2025

WEB COPY

6. Taking into consideration the facts and circumstances of the case and the submissions made on either side, there shall be a direction to the concerned respondent to send proper notice to petitioner's mother viz., Devaki, who is the owner of the subject property within a period of two weeks from the date of uploading of the web copy without waiting for the receipt of certified copy, conduct enquiry after affording an opportunity of hearing to petitioner, his mother, third respondent, who is the contesting party and any other interested parties / rival claimants, if any. Thereafter depending upon the outcome of such enquiry, conduct survey in accordance with law and the orders shall be passed on its own merits and in accordance with law within a period of six weeks thereafter. It is open to the petitioner and his mother to participate in the enquiry by furnishing relevant documents to establish title over the subject property. If any documents are filed, the same would be considered while conducting enquiry. It is made clear that this Court has not expressed any view with regard to the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law.



W.P.No.22255 of 2025

WEB COPY

7. Accordingly, the Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

23.06.2025

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



WEB COPY



W.P.No.22255 of 2025

To

1. The Tahsildar,
Taluk Office,
Kallakurichi Taluk,
Kallakurichi.
2. The Head Surveyor / Sub-Inspector,
Kallakurichi Taluk,
Kallakurichi.



WEB COPY



W.P.No.22255 of 2025

MOHAMMED SHAFFIQ, J.

vji

**W.P.No.22255 of 2025
and
W.M.P.No.25032 of 2025**

23.06.2025