



W.P.(MD)No.510 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

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THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.510 of 2024

and

W.M.P.(MD)Nos.534 & 537 of 2024

P.Jaisingh

: Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Tuticorin.

2.The Taluk Surveyor,
Tuticorin,
Tuticorin District.

3.The Secretary,
Roman Catholic Government Aided
Higher Secondary School,
Anthoniyarpuram,
Tuticorin District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the communication in O.Mu.Aa6/3936/2022 dated 03.11.2022 of the Tahsildar, the first respondent herein in respect of



the property of the petitioner's family property of an extent of 26 cents comprised in Survey Number 109/1A1F at Maravanmadam Village, Tuticorin Taluk and District and quash the same and consequently direct the respondents 1 and 2 herein to measure and demarcate the property of an extent of 26 cents comprised in survey number 109/1A1F at Maravanmadam Village, Tuticorin Taluk and District under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 within the time frame that may be stipulated by this Court.

For Petitioner : Mr.S.Siva Thilakar
For Respondents 1&2 : Mr.B.Saravanan,
Additional Government Pleader
For Respondent No.3 : Unclaimed

ORDER

The writ petitioner challenges the order of the first respondent, rejecting the request of the writ petitioner for survey to be conducted, in and by the impugned order dated 03.11.2022.

2.Heard the learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 & 2.

3.Learned Counsel for the petitioner took me through the impugned order and contends that only two reasons have been



assigned for rejecting the petitioner's request for survey. One is the pendency of a suit in O.S.No.13 of 2022. According to the learned Counsel for the petitioner, the said suit does not relate to the petitioner's property in S.No.109/1A1F and that the petitioner is not found to be in possession of the subject lands.

4. According to the petitioner, the pendency of the suit is not a bar for survey to be conducted in terms of Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and even the factum of physical possession cannot come in the way of respondents refusing to conduct survey. However, learned Counsel for the petitioner would fairly submit that survey can be conducted, after putting on notice the third respondent and after hearing the third respondent before proceeding to conduct survey.

5. In view of the fact that the petitioner is also not a party to the suit in O.S.No.13 of 2022, pending before the Additional District Court, Tuticorin, the impugned order in the Writ Petition is set aside and the first respondent shall fix the date for surveying the petitioner's property in furtherance of his application dated 06.09.2022, after giving advance notice to the petitioner as well as the third respondent and shall hear the objections of the third respondent, if any, before taking final decision with regard to conducting of survey. If the first respondent finds the objections of



the third respondent frivolous, the first respondent shall over-rule the objections and proceed to conduct survey. However, if the first respondent finds the objections of the third respondent touching on the title of the petitioner, then he shall relegate the parties to approach the Civil Court, to work out their remedy. The said exercise shall be completed within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6.Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.04.2025

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



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Taluk Office,
Tuticorin.

2.The Taluk Surveyor,
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P.B.BALAJI., J.

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