



W.P.(MD)No.3598 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.3598 of 2025

T.Balakrishnan

... Petitioner

Vs.

1.The Tahsildar,
Kadaladi Taluk,
Kadaladi,
Tamanathapuram District.

2.The Head Surveyor,
Kadaladi Taluk,
kadaladi,
Ramanathapuram District.

3.S.P.R.Rajmohan

... Respondents

*(R3 is impleaded vide Court order, dated 03.03.2025 in
W.M.P(MD)No.2733 of 2025)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to conduct survey and demarcation of the petitioner's property comprised in Survey No.198/13 along with Survey No.198/12B measuring about 10 cents situated at New Ward No.6, Old Ward No.10 North of Mookaiyur Road, Sayalkudi Town and Post, Kadaladi Taluk, Ramanathapuram District and to fix the four boundaries based on the petitioner's Application bearing Application No.2024/0123/27/003560, dated 17.10.2024 pending on the file of the respondents within a time as fixed by this Court.



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For Petitioner : Mr.B.Prahalad Ravi
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader
For R3 : Mr.R.Narayanan

ORDER

The petitioner has filed the present writ petition seeking issuance of writ of mandamus to direct the authorities to conduct survey based on his application, dated 17.10.2024. The petitioner, aggrieved by the inaction on the part of the officials, has chosen to approach this Court under Article 226 of Constitution of India.

2. Heard the learned counsel on either side.

3. The father of the petitioner's vendor seeks impleadment by filing W.M.P(MD)No.3011 of 2025. A similar request for impleadment is also made by brothers of the petitioner's vendor and the said application has already been allowed. I find that the petitioner is a purchaser of 10 cents from one of the brothers, namely Velmurugan. On going through the registered sale deed in favour of the petitioner, I find that what has been purchased by the writ petitioner is only undivided 10 cents in a total extent of 20 cents. Therefore,



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unless there is a partition deed, putting the petitioner in separate possession of the 10 cents or there is consent by the other co-owner, there cannot be any survey conducted. Therefore, I am unable to accede to the request of the writ petitioner.

4. Hence, this Writ Petition is dismissed, giving liberty to the petitioner to take out appropriate application for appointment of Commissioner along with survey officials in the pending suit. No costs.

24.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gbg

To:

- 1.The Tahsildar,
Kadaladi Taluk,
Kadaladi,
Tamanathapuram District.
- 2.The Head Surveyor,
Kadaladi Taluk,
kadaladi,
Ramanathapuram District.



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P.B.BALAJI, J.

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