



W.A(MD) No.64 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.64 of 2023

P.Murugan

... Appellant / Petitioner

Vs

**1.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.**

**2.The Town Surveyor,
Tirunelveli Municipal Corporation,
Melapalayam Region,
Tirunelveli.**

**3.The Deputy Commissioner (West),
Tirunelveli City Police,
Tirunelveli.**

**4.The Inspector of Police,
Junction Palam Police Station,
Tirunelveli Junction,
Tirunelveli City.**

5.Mariappan

... Respondents / Respondents

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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 23.11.2022 passed in W.P. (MD)No.24360 of 2022 and allow the writ petition.

For Appellant : Mr.D.Srinivasaragavan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 & R2

: Mr.T.Senthil Kumar
Additional Public Prosecutor
for R3 & R4

: No appearance
for R5

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard the learned counsel appearing for the appellant and the learned standing counsel for the respondent corporation and the learned Additional Public Prosecutor for R3 & R4. Though the fifth respondent has been served, he has not chosen to enter appearance.



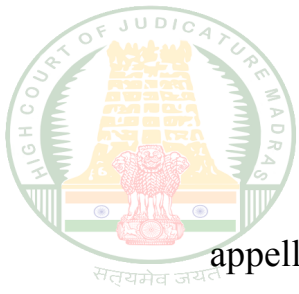
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2. The appellant herein filed W.P.(MD)No.24360 of 2022 for surveying the property comprised in Survey No.36/6, Karuppandurai Village, Palayamkottai Taluk. The learned single Judge dismissed the writ petition vide order dated 23.11.2022. Challenging the same, this writ appeal has been filed.

3. The learned counsel appearing for the appellant submits that the appellant purchased the petition mentioned property vide sale deed dated 27.06.2013 from one Kombiah. The appellant's vendor got the said property by way of gift from one Sankara Narayana Pillai on the same day which was registered as Document No.3351/2013 on the file of the Joint No.II, Sub Registrar, Tirunelveli. Copy of the patta No.56 standing in the name of Sankara Narayana Pillai has also been enclosed in the typed set of papers.

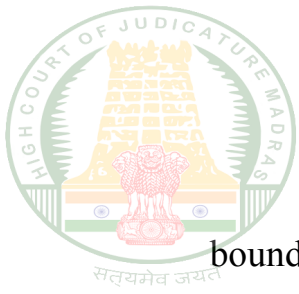
4. The only question that calls for consideration is whether at the instance of the fifth respondent, the appellant's request can be rejected. According to Mariappan, he is the owner of Survey No.36/3. The



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appellant in his typed set of papers has enclosed the copy of the decree dated 20.04.2015 made in O.S.No.531 of 2009 on the file of the Principal District Munsif Court, Tirunelveli. One Muthiah had filed the said suit seeking declaration, permanent injunction, mandatory injunction and recovery of possession from the defendants. Mariappan / fifth respondent herein is figuring as fourth defendant in the said suit. The decree was put to challenge in A.S.No.54 of 2015 on the file of the Additional Sub Judge, Tirunelveli. The first appellant Court rejected the appeal. Challenging the same, S.A.(MD)No.498 of 2021 was filed before this Court. The second appeal was also dismissed on 07.09.2021. S.L.P.(C)No.7103 of 2022 also suffered dismissal.

5. In these circumstances, we are of the view that the objection of Mariappan who had lost in the civil proceedings in respect of Survey No. 36/3 may not lie. We however make it clear that the object of conducting survey is only to earmark the boundaries. In other words, there will not be any dispossession of any person. The entire proceedings shall be duly videographed. The survey authorities can take assistance of the local police also. We reiterate that except marking the



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boundaries in Survey No.36/6, there will not be any other activity. The order passed by the learned single Judge is set aside. The Writ Appeal is allowed on these terms. No costs.

(G.R.S., J.) (K.R.S., J.)
13.06.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To

- 1.The Commissioner,
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