



W.P.(MD)No.7338 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

CORAM

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

W.P.(MD)No.7338 of 2025

and

W.M.P.(MD)Nos.5537 & 5538 of 2025

S.Kalaivani

: Petitioner

Vs.

1.The Tahsildar,
Thirumangalam Taluk Office,
Thirumangalam,
Madurai District.

2.The Taluk Surveyor,
Thirumangalam Taluk Office,
Thirumangalam,
Madurai District.

3.R.Karthick

4.P.Uma

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to quash the notice issued by the second respondent and directing the respondents 1 and 2 forbearing from in any manner conducting the



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survey of the properties comprised in S.No.105/1, 105/2, 105/11 and 110/17 situated at Kinnimangalam Village, Thirumangalam Taluk, Madurai until the disposal of the suit pending before the learned Principal District Munsif Court, Thirumangalam in O.S.No.11 of 2025 and consequently, directing the third and fourth respondents to approach the competent court of law to redress their grievance.

For Petitioner : Mr.K.P.Ramesh

For Respondents 1&2 : Mr.B.Saravanan,

Additional Government Pleader

For Respondent No.4 : Mr.V.S.Kishore Kumar

ORDER

Heard the learned Counsel for the parties.

2.The petitioner challenges the survey notice issued by the official respondents, proposing to survey the lands based on the fourth respondent's application. The case of the petitioner is that a civil suit is pending and therefore, there is a dispute with regard to the identity of the property as well and the survey cannot be conducted as sought for by the respondents. However, learned Counsel for the fourth respondent would submit that the respondents 3 and 4 have purchased property under registered sale deed in the year 2008 and patta has also been issued to them by the revenue authorities and that they are in absolute possession and enjoyment



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and there can be no impediment for survey to be conducted based on the request of the fourth respondent.

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3.The order passed by this Court at the instance of the fourth respondent in W.P.(MD)No.2997 of 2025 dated 31.01.2025 is brought to my notice. The said writ petition was also filed in respect of the very same subject property and the writ petition was disposed of with a slew of directions.

4.Learned Counsel for the petitioner submits that one of the directions is that where there is any objection to the survey, the said objections will have to be considered first and ruled before the survey is conducted. In the event of the objection being sustained, then the applicant would have to move the jurisdictional Court for adjudicating the issue. The grievance of the petitioner is that without undertaking this exercise, the officials have straightaway issued the notice proposing survey of land.

5.In view of the earlier order passed in W.P.(MD)No.2997 of 2025 dated 31.01.2025, it is needless to state that the official respondents cannot straightaway conduct survey and it would be incumbent upon them to first hear the objections of the petitioner herein and thereafter pass orders on the said objections. If the



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objections are overruled, then the fourth respondent would be entitled for a survey to be conducted. However, in the event of the objection of the writ petitioner being sustained, then, the parties may have to be directed to approach the competent Civil Court to redress their respective grievances.

6. In view of the above, this Writ Petition is disposed of, with a direction to the first respondent to conduct enquiry, hear the petitioner as well the fourth respondent and pass orders on the objections of the petitioner on merits and in accordance with law and subject to recording the objections of the petitioner, decision regarding survey to be conducted shall consequently follow. The said exercise shall be completed within a period of eight [8] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.03.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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

MR

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