



WP(MD)No.2032 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.2032 of 2025

Ganapathy

...Petitioner

Vs.

1. The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

2. The Surveyor,
Aranthangi Municipality,
Aranthangi,
Pudukottai District.

3. Ramaiah Thevar

4. Mathi @ Ramachandran

5. Saravanan

6. Anandhan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioners objection dated 29.12.2024 and pass appropriate orders on the application of the 6th respondent in respect of the pathway comprised in T.S.No. 9/34 situated at Aranthangi, Pudukottai District.

For Petitioner

: Mr.T.Lenin Kumar

For R1 & R2

: Mr.A.Kannan

Additional Government Pleader



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ORDER

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This Writ Petition is filed for issuance of writ of mandamus directing the respondents 1 and 2 to consider the petitioner's objection dated 29.12.2024 and pass appropriate orders on the application of the 6th respondent in respect of the pathway comprised in T.S.No. 9/34 situated at Aranthangi, Pudukottai District.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is the absolute owner of the property in T.S.No. 9/34 in Aranthangi, Pudukkottai District. He purchased the property under a registered sale deed dated 09.05.2001. The petitioner constructed a commercial building in S.No.9/27 and rented out the same. The sixth respondent is the adjacent owner on the western side of the petitioner's property. In order to access the property of the petitioner, the sixth respondent and the petitioner jointly left out the space of 3 feet from south to north as a pathway. While so, the in the year 2020, the petitioner as well as the sixth respondent submitted an application to the respondents for survey and demarcation of the boundaries of the pathway and the same was carried out by the second respondent. The pathway is



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comprised in S.No.9/34. Meanwhile, the sixth respondent tried to encroach upon the pathway and by suppressing the earlier survey, the sixth respondent submitted an application to the respondents 1 and 2 for survey. The petitioner submitted his objections to the said application on 29.12.2024. The petitioner also filed a suit in O.S.No.1 of 2025 on the file of the District Munsif, Aranthangi, claiming easementary right over the pathway. As the first respondent was trying to complete the survey without even considering the petitioner's objections dated 29.12.2024, the petitioner was constrained to file the above writ petition for the aforesaid relief.

4. The learned Additional Government Pleader, on instructions, submitted that if this Court issues the directions issued in W.P(MD)No. 12676 of 2024, dated 14.06.2024, the same will be strictly followed and notice of survey will be issued to the petitioner and the petitioner's objections, if any, will be considered strictly in compliance with the directions issued by this Court.

5. In view of the submissions of the learned Additional Government Pleader, the respondents are directed to conduct survey on



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the application of the sixth respondent with the following directions issued in W.P(MD)No.12676 of 2024, dated 14.06.2024. It is open to any aggrieved party to move this Court either by way of review or recall of this order, if there is any suppression of material facts by the petitioner.

(I) The petitioner is directed to submit his / her application in on-line mode. The survey authority will scrutinize if the application submitted by the petitioner is in order. Patta need not be in the name of the applicant. If patta is in the name of the vendor and mutation has not been effected, still the application can be considered.

(II) The petitioner will have to enclose all the relevant documents such as patta. The applicant must have individual patta in his / her name. If he / she is having joint patta, co-pattadars must give their consent for conducting survey.

(III) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.

(IV) Enquiry shall be held. During enquiry, objections



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raised by the adjacent land owners / interested persons shall be considered.

(V) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.

(VI) It is open to the parties to serve memo of instructions to the surveyor at the time of conducting survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.

(VII) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(VIII) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

(IX) It is made clear that at the end of the survey



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exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. If the petitioner wants to put up fencing and if there is any objection from any private party, fencing can be put up only after the petitioner obtains decree from the jurisdictional Civil Court.

(X) The survey authority will conclude the entire exercise one way or the other within a period of twelve weeks after service of notice on the interested persons.

(XI) A copy of the survey report along with sketch will be served on the parties.

6. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

27.01.2025

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

1. The Tahsildar,
Aranthangi Taluk,
Pudukottai District.
2. The Surveyor,
Aranthangi Municipality,
Aranthangi,
Pudukottai District.



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N.MALA,J.

CM

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