



W.P.(MD)No.3109 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.3109 of 2025

K.Kanagaraj

... Petitioner

Vs.

1.The Tahsildar,
Kadavur Taluk,
Karur District.

2.The Taluk Surveyor,
Kadavur Taluk,
Karur District.

3.The Inspector of Police,
Chinthamanipatti Police Station,
Karur District.

4.Rajasekar

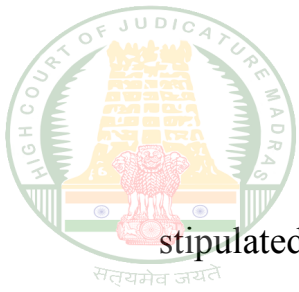
5.Sumathi

6.Ponnambalam

... Respondents

*(R6 is impleaded vide Court order, dated 24.03.2025 in
W.M.P(MD)No.5364 of 2025)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 and 2 to take necessary steps to demarcate and subdivide the petitioner's property in S.F.Nos. 455/3, 476/1A, 477/2 and 477/4A situated at Athanur Village, Kadavur Taluk, Karur District, based on the petitioner's applications, dated 25.11.2024 within a



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stipulated time in accordance with law.

For Petitioner : Mr.A.Thiyagarajan
For R1 & R2 : Mr.S.Kameswaran
Government Advocate
For R3 : Mr.S.Prakash
Government Advocate (Crl.Side)

ORDER

The petitioner based on a decree in O.S.No.273 of 2013, dated 30.10.2015 has claims to be in peaceful possession and enjoyment of the subject property. On 25.11.2024, the petitioner has made an application for survey to be conducted. However, in view of the objections raised by the respondents 4 and 5, the petitioner was unable to get the survey done at the instance of the official respondents. Therefore, the present writ petition has been filed.

2. Heard the counsel for the petitioner, the learned Government Advocate for the respondents 1 & 2 and the learned Government Advocate for the 3rd respondent.

3. It is also brought to the notice of the Court that the respondents 4 and 5 are son and daughter-in-law of one Ponnambalam, who is the 1st defendant in O.S.No.273 of 2013. The learned counsel for the petitioner would therefore



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submit that the respondents 4 and 5 cannot get any better right than the 6th respondent, who already suffered a decree before the competent Civil Court and the decree, dated 30.10.2015 has also become final. In view of the above, there can be no impediment for the survey to be conducted.

4. The learned Government Advocate brought to the notice of the Court that patta is standing jointly in the name of three sons of Kanniyappan and one son alone has come forward with the present writ petition.

5. In view of the above, this writ petition is disposed of with the following terms:

(i) The petitioner shall provide consent affidavit or no objection letter from his two brothers, Sakthivel and Muniyappan within a period of two (2) weeks from the date of receipt of copy of this order.

(ii) On receiving such no objection letter or consent affidavit from the petitioner's brothers, the 1st respondent, with the assistance of the 2nd respondent, shall fix a date for survey and give advance notice to the respondents 4 to 6.

(iii) It shall be open to the 1st respondent to seek assistance of



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the jurisdictional police officials in the event of the 1st respondent apprehending any breach of law and order at the time of survey. On such request being made, the jurisdictional police officials shall also ensure that sufficient police force is made available to safeguard the official respondents during the time of survey.

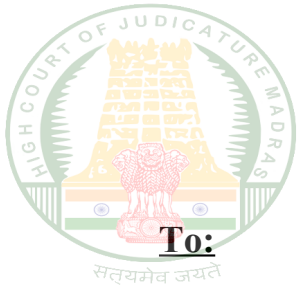
(iv) As the competent Civil Court has already found the plaintiffs, namely the petitioner and his brothers to be in physical possession and enjoyment of the subject property and the said decree has also become final, there is no necessity for hearing any objections of the private respondents and they shall only be put on notice about the survey.

(iv) The survey exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

6. In view of the above, this Writ Petition is disposed of. No costs.

24.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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P.B.BALAJI, J.



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