



W.P.(MD)No.3461 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

CORAM:

**THE HONOURABLE MR JUSTICE P.B. BALAJI**

W.P.(MD)No.3461 of 2025

and

W.M.P(MD)No.2451 of 2025

Jothi

.... Petitioner

/Vs./

1.The Commissioner,  
Madurai Corporation,  
Anna Maligai,  
Dr.Ambedkar Road,  
Madurai-625 002.

2.The Assistant Commissioner,  
Madurai Corporation Zone-II (North),  
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceeding impugned in Na.Ka.No.Ma2E1/L1/0011377/2023 dated 06.06.2024 of the second respondent herein and quash the same as illegal and against the material evidences and consequently direct the respondents herein to carryout modification in the Field Map Book (FMB) of the petitioner's land



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bearing Survey No.171 to an extent of 715 sq.ft situated at Aruldossapuram, Thathaneri, Madurai-18 based on her representation dated 06.01.2025 made to the first respondent.

For Petitioner : Mr.A.Ramesh  
For Respondents : Mr.K.K.Kannan  
Standing Counsel

### **ORDER**

The petitioner filed the present writ petition seeking issuance of writ of Certiorarified Mandamus to quash the impugned proceedings in Na.Ka.No.Ma2E1/L1/0011377/2023, dated 06.06.2024 on the file of the second respondent.

2. I have heard Mr.A.Ramesh, learned counsel appearing for the petitioner and Mr.K.K.Kannan, learned Standing Counsel appearing for the respondents.

3. The learned counsel for the petitioner would submit that after a survey in pursuance of the order of this Court, the right of the petitioner was confirmed. However, without any proper appreciation of the



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documents and the order of this Court in W.P(MD)No.22065 of 2023, the second respondent has found that the petitioner has not produced any documents to substantiate her claim over S.No.188 and that the said subject property is being used by the public as a road and therefore, the petitioner has to approach the Civil Court to redress his grievances, if any.

4. The learned Standing Counsel for the Corporation of Madurai would submit that the second respondent has no authority to pass any order in the matter and the competent authority is the Assistant Director of Town Survey. He would, therefore, submit that the petitioner can always approach the Assistant Director of Town Survey for redressing her grievances with regard to the classification of the land as a Boosthi road.

5. I have gone through the affidavit filed in support of the writ petition and also the documents filed in support of the petitioner's claim, including the impugned order.



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6. It is the specific case of the petitioner that the petitioner has purchased house site for a valid sale consideration in and by the sale deed, dated 15.03.2018. The petitioner has also obtained a patta and mutated revenue records in her name. While so, the petitioner filed a writ petition in W.P.(MD)No.22065 of 2023 which came to be disposed of by this Court on 20.12.2023. This Court only directed the survey authorities and not the respondents, namely, the Madurai Corporation Commissioner or the Assistant Commissioner to conduct any survey. Therefore, the very proceedings on the file of the second respondent, which is impugned in the writ petition, was wholly unnecessary and in all probabilities as contended by the learned counsel for the petitioner was done only to avoid any contempt proceedings. However, I do not give any positive direction in this writ petition directing the respondents herein to carry out any survey. As rightly contended by the Standing Counsel for the Madurai Corporation that the Assistant Director, Town and Survey Department is the competent authority to conduct any survey and the survey conducted by said authority alone would be in consonance with the provisions of the Act.



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7. In view of the above position, it is made clear that the observations, if any, made by the second respondent would not bind the petitioner and the petitioner is at liberty to approach the Revenue Authorities seeking redressal of his grievances, if any, by filing appropriate application/appeal/revision in the manner known to law and if so, whenever filed, the survey authorities shall dispose of the same in accordance with law on its own merits after hearing the interested parties, if any.

8. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Index : Yes / No  
NCC : Yes / No  
am

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**P.B. BALAJI, J.**

**am**

Order made in  
W.P.(MD)No.3461 of 2025

Dated:  
07.02.2025