



W.P.(MD) No.3631 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3631 of 2025

Senthur Pandiyan

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Ramanathapuram,
Ramanathapuram District.
- 2.The Revenue Officer,
Paramakudi Revenue Office,
Paramakudi, Ramanathapuram District.
- 3.The District Head Surveyor,
District Head Survey Office,
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.
- 5.The Taluk Surveyor,
Kamuthi Taluk Office,
Ramanathapuram District.



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6.The Firka Surveyor,
Kamuthi Taluk Office,
Ramanathapuram District.

7.S.Sappani Devar

8.S.Ambikavathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 6 to survey and demarcate the petitioner's property based on his application number 2024/0123/27/003141 comprised in Survey No.248/7A1 to an extent of 0.2.70 hec.aers situated at Abiramam, Kamuthi Taluk, Ramanathapuram District, with aid police protection in Survey hereby considering petitioner's representation dated 27.12.2024 within the time frame that may be fixed by this Court.

For Petitioner : Mr.M.Ramachandran

For R1 to R6 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner is the purchaser from the respondents 7 and 8. The petitioner in furtherance of the purchase has made an applicaton to survey his property on 23.09.2024 after paying requisite fee for survey and demarcation.



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According to the petitioner, the said application has not been disposed of and on the contrary, the authorities are being misled by the respondents 7 and 8, who are the petitioner's vendors. Once the respondents 7 and 8 have already sold the property in favour of the petitioner, they cannot have an objection to survey the said land purchased by the petitioner. If at all the respondents 7 and 8 have any other grievance with regard to sale in favour of the petitioner or title in connection with the said property, it will open to the respondents 7 and 8 to approach the competent civil Court and not object to the application for survey filed by the petitioner.

2. The learned Additional Government Pleader brought to the notice of this Court that the lands are held as joint patta and therefore, the survey may not be possible. However, meeting the said contention of the learned Additional Government Pleader, the learned counsel for the petitioner would submit that joint patta is only in the names of family members and none of the other family members have an objection for survey being undertaken.



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3. In view of the above, this Writ Petition is allowed with direction to the respondents 4 and 5 to conduct survey on the petitioner's land. It is made clear that considering the fact that patta is held jointly, the surveyor may take a call regarding the feasibility of survey being peacefully conducted and in the event of any apprehension to the contrary, the respondents 4 and 5 shall take assistance of the police officials during survey. The said exercise shall be completed within a period of twelve(12) weeks from the date of receipt of a copy of this order. No costs.

10.02.2025

Rmk

NCC: Yes/No

Index : Yes / No

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Ramanathapuram District.
- 2.The Revenue Officer,
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- 3.The District Head Surveyor,
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- 4.The Tahsildar,
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P.B.BALAJI, J.

Rmk

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