



W.P.(MD)No.3485 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.3485 of 2025
and
W.M.P(MD)Nos.2466 & 2467 of 2025

R.Muthuvel

.... Petitioner

/Vs./

1.The Tahsildar,
Office of the Tahsildar,
Karaikudi,
Sivagangai District.

2.The Firka Surveyor,
Office of the Firka Surveyor,
Kallal, Karaikudi,
Sivagangai District.

... 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 impugned order issued by the first respondent in Na.Ka.C1/171/2025 dated 23.01.2025 and quash the same as illegal and consequently direct the respondents to conduct and complete the survey of the petitioner's land bearing survey No.372/18 situated at Keelpoongodi Village, Kallal, Karaikudi Taluk, Sivagangai District.



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For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

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

2. I have heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner has filed an online application on 23.09.2024 for conducting a survey under the Tamil Nadu Survey and Boundaries Act. The survey proceedings have not been conducted and in and by the impugned proceedings, dated 23.01.2025, the Tahsildar, Karaikudi has stated that one Kasinathan, son of Shanmugam has represented that he is filing revision before this court against the orders in O.S.No.96 of 2003 and O.S.No.145 of 2003 and therefore, the



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application of the petitioner for survey would be taken up subject to the orders that may pass in the said revision.

4. I am unable to countenance the stands of the respondents in this regard. Firstly, the matters that have been disposed of are not original suits but the first appeals confirming the dismissal of the original suits and therefore, there is no question of any revision being preferred before this Court. If at all, the aggrieved party wanted to take up the matter further, he ought to have preferred a second appeal before this Court. As on date, there is no second appeal pending and the respondents have merely postponed the survey on the ground that the survey would be conducted after any orders passed in the proposed revision petition filed by the aggrieved party in the connected proceedings.

5. In view of the above, there is no impediment for the respondents to proceed with the survey based on the application of the petitioner dated 23.09.2024. The impugned order is set aside and the respondents are directed to conduct the survey. The second respondent



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shall pass orders on the petitioner's application, dated 23.09.2024 within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is also closed.

Index : Yes / No
NCC : Yes / No
am

07.02.2025

TO:-

- 1.The Tahsildar,
Office of the Tahsildar,
Karaikudi,
Sivagangai District.
- 2.The Firka Surveyor,
Office of the Firka Surveyor,
Kallal, Karaikudi,
Sivagangai District.



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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.3485 of 2025

Dated:
07.02.2025