



W.P.(MD) No.3611 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.3611 of 2025

Priyadharsan

... Petitioner

VS.

1.The Tahsildar,
Tahsildar Office,
Avudaiyarkovil Taluk,
Pudukkottai District.

2.The Surveyor,
Town Survey Office,
Avudaiyarkovil Taluk,
Pudukkottai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner's application dated 17.12.2024 given for survey of his patta land comprised in Old S.No.282/12A, New S.No.283/12A in Avudaiyarkovil Village, Avudaiyarkovil Taluk, Pudukkottai District and to fix the boundaries within the period that may be stipulated by this Court.

For Petitioner : Mr.T.Udhaya Jeeva

For Respondents : Mr.B.Saravanan
Additional Government Pleader



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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus to direct the respondents to conduct survey of the lands in Old S.No.282/12A, New S.No. 283/12A in Avudaiyarkovil Village and Taluk, Pudukkottai District and to fix the boundaries, within the time period stipulated by this Court.

2.The petitioner claims under settlement deed dated 19.09.2024 and transfer of patta in his name on 11.12.2024. The petitioner has made an application for survey on 17.12.2024 and he has sent a representation on 24.01.2025 to carry out the survey in accordance with law.

3.Today, the learned Additional Government Pleader appearing for the official respondents, on instructions, would submit that the surveyor already attempted to conduct a survey on 07.02.2025. But, however, the survey could not be conducted in view of the objections of one Asokan, who was found to be in possession and has already initiated proceedings for cancellation of patta in the name of the petitioner. In view of the disputed position even regarding the physical possession of the subject lands, unless the petitioner's right is declared by a competent civil court, it would not be proper for the petitioner to approach



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this Court under Article 226 of the Constitution of India and seek for survey to be conducted when the possession of the subject lands is itself in dispute and moreover proceedings have already been initiated for cancellation of patta in the name of the petitioner, on which basis alone, the petitioner seeks survey.

4.In view of the above circumstances, the petitioner is not entitled to any relief, that too under Article 226 of the Constitution of India. However, it will be open to the petitioner to approach the competent civil Court and subject to any favorable decision obtained by the petitioner, the petitioner can always renew his request for survey. Considering that the said Asokan, who is not made a party in the present writ petition, has initiated proceedings for cancellation of the petitioner's patta before the Revenue Divisional Officer, Aranthangi and in order give an effective and quick equal disposal of the pending dispute, the Revenue Divisional Officer, Aranthangi, shall decide the application for cancellation of patta made by the said Asokan after affording an opportunity to the petitioner and the said Asokan and shall pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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WEB COPY 5. With the above directions, this Writ Petition is disposed of. No costs.

10.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

**Note: Registry shall communicate this order to the
Revenue Divisional Officer, Aranthangi.**

To

1. The Tahsildar,
Tahsildar Office,
Avudaiyarkovil Taluk,
Pudukkottai District.

2. The Surveyor,
Town Survey Office,
Avudaiyarkovil Taluk,
Pudukkottai District.



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P.B.BALAJI, J.

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