



W.P.(MD)No.4060 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.4060 of 2025

and

W.M.P(MD)No.2911 of 2025

Neelavathy

.... Petitioner

/Vs./

1.The Tahsildar,
Illupur Taluk,
Pudukkottai District.

2.The Firka Surveyor,
Kudimiyanmalai Firka,
Illupur Taluk,
Pudukkottai District.

3.The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai Taluk,
Pudukkottai 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 passed by the first respondent in Na.Ka.S.8025/2024 dated 26.12.2024 and quash the same as illegal and



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consequently direct the respondents 1 & 2 to conduct the survey and demarcate the petitioner's property in S.F.No.272/5, 272/6 and 272/7 of Aayingudi Village, Illupur Taluk, Pudukkottai District by considering the petitioner's representation dated 16.12.2024.

For Petitioner	: Mr.R.Paranjothi
For R1 & R2	: Mr.M.Lingadurai Special Government Pleader
For R3	: Mr.S.Prakash Government Advocate (Crl.side)

ORDER

With the consent of the parties, the writ petition itself is taken up for final disposal.

2. I have heard the learned counsel appearing for the petitioner and the respondents.

3. The writ petitioner challenges the impugned order of the Tahsildar, Illupur Taluk, dated 26.12.2024 rejecting the petitioner's request for conducting survey and demarcate the petitioner's property.



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4. Admittedly, the petitioner has filed a Civil Suit in O.S.No. 16 of 2024, which is pending on the file of the Sub Court, Keeranur. Pending the said suit, the petitioner has approached the survey authorities for conducting a survey.

5. The grievance of the petitioner is that the Tashildar, in and by the impugned order, has rejected the request citing the reason that there has been a violation of the assignment conditions and such order came to be passed without affording an opportunity to the petitioner.

6. Be that as it may, in view of the fact that the petitioner has herself filed a suit to declare her title and seeks consequential permanent injunction before the competent Civil Court, it would be appropriate for the petitioner to move an application for survey in the pending suit, so that the contesting parties will also have an opportunity to test the survey report before the Civil Court, where the suit is admittedly pending. It is however made clear that the reasons assigned by the Tahsildar in the impugned proceedings shall not be held against the petitioner as and when an application is taken out in the pending suit seeking survey.



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7. With the above discussion, the writ petition is disposed of.

No costs.

Index : Yes / No

NCC : Yes / No

am

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P.B. BALAJI, J.

am

Order made in
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