



W.P.(MD)No.5012 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.5012 of 2025

Muthu Muneeshwarapandian

: Petitioner

Vs.

1.The Tahsildar,
Illupur Taluk,
Pudukkottai District.

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

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the respondents 1 and 2 to measure the petitioner's land measuring to an extent of 0.22.5 ares comprised in SF Nos.101/3 and 101/4 situated in Keelakurichi Village, Illupur Taluk, Pudukkottai District and fix four boundaries within the reasonable period of time to be stipulated by this Court.



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For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mrs.K.Malathi

Additional Government Pleader

ORDER

Heard the learned Counsel for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader appearing for the respondents.

2.Considering the limited relief that has been sought for in the Writ Petition, the Writ Petition is taken up for final disposal at the stage of admission. The petitioner seeks survey to be conducted based on his application dated 01.01.2025. The grievance of the petitioner is that the petitioner's principals Salai Jothi and Salai Nithilamani had been in absolute possession and enjoyment of the subject property and the names were also mutated in the revenue records and patta was also issued in their favour. One Janagi filed a civil suit in O.S.No.15 of 2023, before the Sub-Court, Keeranur, seeking declaration, partition and permanent injunction against several defendants including the principals of the writ petitioner and the said suit is admittedly pending.



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3.The petitioner, in order to protect the property by putting up a fence, took necessary steps in that regard. However, neighbours Durairaj, Pandi and Balasubramani objected to the said action of the petitioner. The petitioner approached the Inspector of Police, Annavasal Police Station and lodged complaint against the said three persons. The Inspector of Police conducted enquiry and those three persons have given an undertaking that they will abide by the orders passed by the Civil Court. According to the petitioner, the petitioner's principals are the absolute owners and the neighbours have no right in and over the subject property which is sought to be surveyed.

4.The case of the petitioner is that the survey is sought for only to clear the apprehension of the villagers that the petitioner is attempting to usurp the pathway, which is set up for the common use of the villagers. Only for such purpose, the petitioner seeks survey to be conducted, so that there would be clarity with regard to the property being possessed by the petitioner's principals and the property which is used by the public / villagers as road.

5.I do not see any impediment for the exercise of survey to be undertaken in the light of the request made by the petitioner.



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Admittedly, the petitioner's principals Salai Jothi and Salai Nithilamani are the owners of the subject property under registered settlement deed dated 18.10.2012, executed by their mother in their favour, who had originally purchased the property by a registered sale deed.

6. Learned Additional Government Pleader would submit that the objectors would also have to be heard at the time of survey and otherwise, the survey authorities have no issues with passing orders on the petitioner's application for survey.

7. In view of the above, recording the submission of the learned Counsel on either side, the Writ Petition is disposed of, directing the respondents to conduct a survey based on the petitioner's application dated 01.01.2025, after giving advance notice to the neighbours Durairaj, Pandi and Balasubramani and also consider the claim of the petitioner as well as the objections of the neighbours, if any and thereafter, proceed to survey and demarcate the petitioner's property and if the petitioner's claim for possession of the said property in S.Nos.101/3 and 101/4 to an extent of 22.5 ares is confirmed by survey, then the petitioner will be entitled to put up a fence over the said lands or such extent as demarcated by the survey authorities and shall not put up any fence including any lands



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in excess of the lands that are demarcated and surveyed. The said exercise shall be carried out within a period of eight [8] weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

11.03.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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P.B.BALAJI., J.

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