



W.P.(MD)No.4911 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.4911 of 2025

and

W.M.P(MD)No.3567 of 2025

B.M.Suda

... Petitioner

/Vs./

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
O/oThe Revenue Divisional Office,
Madurai District,
Madurai.
- 3.The Deputy Director,
Regional Deputy Diector,
Madurai Regional Office Survey,
Madurai.
- 4.The Tahsildar,
Thiruparankundram Taluk,
Madurai District.
- 5.The Firka Surveyor,
Thiruparankundram Taluk,
Madurai District.



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6.Komalavalli

7.Trilok Gark

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 4 and 5 to permit the petitioner to pay the application fees to conduct survey as per the Tamil Nadu Survey and Boundaries Act, 1923 and consequently to Survey and demarcate the property in Re-Survey No.416/4D situated at Madakulam Village, T.P.K.Main Road, Madurai District covering to an extent of 21 cents by considering the petitioner representation dated 18.01.2025.

For Petitioner	: Mr.M.Mohamed Zamil for M/s.Ajmal Associates
For R1 to R5	: Mrs.S.Jeyapriya Government Advocate

ORDER

Though the matter was adjourned for enabling the Government Advocate to get instructions regarding the receipt of the petitioner's application manually, today the learned Government Advocate, on instructions, would submit that the petitioner's application for survey cannot be considered in view of the fact that the third parties are in occupation of several shops and the petitioner is not in physical



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possession and further, there is no patta mutated in favour of the petitioner.

2. However, the learned counsel for the petitioner would invite my attention to the order dated 06.12.2024 passed by this Court in CrI.O.P(MD)No.19170 of 2024 where, this Court had directed the petitioner as well as the private respondents, who are the petitioners in the Criminal Original Petition, to seek for survey and earmark the respective properties to resolve the issue. It is only in furtherance of the said order, the petitioner has taken out the application for survey. Therefore, the authorities will not be justified in contending that the petitioner is not entitled to survey of the lands.

3. In view of the above, the petitioner shall make a fresh application seeking survey of the lands in resurvey No.416/4D, Madakulam Village, T.P.K.Main Road, Madurai District measuring 21 cents within a period of two weeks from the date of receipt of a copy of this order. The said application shall be made along with requisite fee and the application as well as the fee shall be received by the fourth



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respondent in the offline mode. The fourth respondent with the help of the fifth respondent shall conduct a survey in the presence of the petitioner as well as the respondents 6 & 7. The survey shall be conducted after hearing the objections of the third parties, who are the petitioners in the Criminal Original Petition and final survey report shall be furnished to both the parties to enable them to work out their respective rights before the competent Court. The said exercise shall be completed within a period of eight weeks from the date of the fresh application being made by the petitioner. thereafter.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.4911 of 2025

Dated:
05.03.2025