



W.P.(MD)No.5311 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.5311 of 2025

Maharaja

.... Petitioner

/Vs./

1.The Tahsildar,
Thisayanvilai Taluk Office,
Thirunelveli District.

2.The Taluk Surveyor,
Thisayanvilai Taluk Office,
Thirunelveli District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to conduct the survey and fixing the four boundary stones in respect of the petitioner property in comprised Survey No.446/1A an extent of 40 cents the property is situated at Kanna Nallur Village, Thisayanvilai Taluk, Tirunelveli District based on petitioner online survey application, dated 27.12.2024 within the time stipulated by this Court.

For Petitioner : Mr.S.Ramakrishnan

For Respondents : Mrs.K.Malathi

Additional Government Pleader



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ORDER

The writ petition is filed for limited relief of a Writ of Mandamus to direct the respondents to conduct survey and fix the four boundary stones in respect of the petitioner's property comprised in Survey No. 446/1A to an extent of 40 cents, Kanna Nallur Village, Thisayanvilai Taluk, Tirunelveli District.

2. Considering the limited scope of the relief sought for in the writ petition, with the consent of the parties, the writ petition itself is taken up for final disposal at the admission stage.

3. I have heard the learned counsel for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader appearing for the official respondents.

4. The learned counsel for the petitioner would submit that the petitioner, having purchased 40 cents in survey number 446/1A, has sought for survey being conducted and four boundaries to be fixed.



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5. The learned counsel for the petitioner would invite my attention to the sale deed in and by which, the petitioner has purchased 40 cents in S.No.446/1A which land is bounded by four definite boundaries. He would therefore submit that there can be no impediment for the survey being conducted.

6. Per contra, the learned Additional Government Pleader would invite my attention to the application made by the petitioner, namely, 27.12.2024, where, the petitioner's seeks survey of 446/1A of a total extent of 0.84.35 hectares and therefore, she would submit that the petitioner is entitled only to 40 cents and moreover, the patta in Survey No.446/1A has been mutated in respect of one Jagadeesan, son of Sundarapandi and therefore, the petitioner's request for patta cannot be considered.

7. However, the learned counsel for the petitioner submits that even though he has made an application for survey of the entire lands measuring 0.84.35 hectares, the petitioner is willing to restrict the survey to 40 cents alone which has been purchased under the registered sale deed dated 20.02.2012 in document number 795/2012, on the file of the



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Sub Registrar Office, Valliyur, Tirunelveli District.

8. Considering the above, the writ petition is allowed, with a direction to the respondents to conduct an enquiry, after issuing notice to the Jagadeesan, son of Sundarapandi, in whose name the patta has already been muted in respect of the entire extent of 0.84.35 hectare in survey number 446/1A and after hearing the objections, if any of the said Jagadeesan, the present pattadar. The survey authorities may take a decision with regard to proceeding with the survey or not. If they find that there is any title dispute, then the survey authorities may relegate the parties to the competent civil court. If there is no dispute regarding the petitioner's entitlement, then the survey can be conducted, limited to the lands in S.No.446/1A alone. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No
am

27.02.2025



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- 1.The Tahsildar,
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P.B. BALAJI, J.

am

Order made in
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27.02.2025