



W.P.(MD)No.5288 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.5288 of 2025

SP.Murugan

... Petitioner

Vs.

1. The District Collector
Office of District Collector,
Pudukottai District,
Pudukottai.
2. The District Revenue Officer
Office of District Revenue Officer,
Pudukottai District, Pudukottai
3. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Aranthangi, Pudukottai District.
4. The Tahsildar
Avudaiyarkovil Taluk, Avudaiyarkovil,
Pudukottai District.
5. Alagappan @ Seetharaman,

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent impugned Communication in Na.Ka.S/589/2025 dated



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17.02.2025 and quash the same as devoid of merits and consequently directing the 4th respondent not to conduct survey in Survey No. 85/9B an extent of 0.01.5 Arce in Yembal Village, Avudaiyarkovil Taluk , Pudukottai District, pending disposal of the Civil Suit in O.S.No. 160/2024 on the file of District Munsif and Judicial Magistrate Court Avudaiyarkovil and Revision Petition before the 2nd respondent dated 20.01.2025 and for such other relief within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mrs.S.Jeyapriya
Government Advocate for R1 to R4
: Mr.T.T.Nishanth for R5

ORDER

The petitioner challenges the survey notice issued by the authorities at the behest of the fifth respondent.

2. I have heard Mr.A.Haja Mohideen, learned counsel for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate for the respondents 1 to 4.

3. The case of the petitioner is that the petitioner has purchased the properties in Survey No.85/9B, from mother of the 5th respondent in and



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by registered sale deeds. However, by inadvertence, according to the petitioner, the Survey No. 85/9B was omitted, though the four boundaries would clearly reflect that the petitioner has acquired / purchased even lands comprised in survey No.85/9B. The petitioner has already moved the civil Court to establish his rights and a suit is pending in O.S.No.160 of 2024, before the District Munsif cum Judicial Magistrate, Avudaiyarkovil. The learned counsel would therefore contend that the survey cannot go on.

4. Per contra, the learned counsel appearing for the 5th respondent would submit that admittedly the petitioner's sale deed does not include the lands in Survey No.85/9B which continues to be in possession of the fifth respondent and therefore, he would submit that the fifth respondent is entitled to take out an application for survey.

5. Considering the fact that the very same issues are going to be tested in the pending civil suit, it is not be proper for the writ Court to issue directions to proceed with the survey, based on the application of the 5th respondent. However, at the same time, in view of the claims of



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the 5th respondent that lands in survey No. 85 /9B are only in his possession and the petitioner has no right over the said lands, it shall be open to the 5th respondent to take out an application for appointment of an Advocate Commissioner, to conduct survey with the assistance of the local Taluk Surveyor. The said report of the Advocate Commissioner and the surveyor shall form part of the Court records and both parties shall be entitled to test the reports, if aggrieved, by seeking cross examination.

6. Giving such liberty to the 5th respondent, the writ petition is allowed and the enquiry notice issued by the fourth respondent in Na.Ka.S/589/2025 dated 17.02.2025 is hereby set aside. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

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