

W.P.(MD)No.12527 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.12527 of 2025

V.Anandan

... Petitioner

Vs.

1.The Tahsildar,
Dindigul West,
Dindigul District.

2.The Surveyor,
Dindigul West Firka,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to survey the land in Survey No. 1843/2 to an extent of 13 cents situated at Thadikombu village, Dindigul West, Dindigul District thereby enabling the petitioner to use the same as common private pathway right to him by considering his representation dated 13.07.2022 enclosing the payment of necessary fee for the purpose of survey through a challan DDO No.04020073 dated 12.07.2022 within the time stipulated by this Court.



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For Petitioner : Mr.V.R.Venkatesan

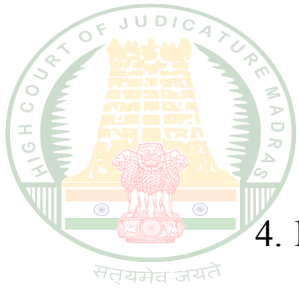
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The petitioner seeks issuance of writ of mandamus to direct the respondents to conduct survey of Survey No.1843/2 measuring 13 cents at Thadikombu Village, Dindigul District to enable the petitioner to use the same as a common private pathway by considering the petitioner's representation, dated 13.07.2022.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. At the outset, the relief as sought for by the petitioner cannot be granted by this Court as the same involves factual matrix which can be decided only after parties produce evidence and the petitioner makes out case for right in the common pathway, even assuming the authorities find it after survey to be a common pathway.



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4. Be that as it may, there would be no prejudice caused by directing the survey to be conducted as sought for by the petitioner vide application, dated 12.05.2022 in respect of which he has remitted necessary charges.

5. In the light of the above, the respondents 1 and 2 are directed to conduct survey and identify four boundaries of Survey No.1843/2 and issue survey report to the petitioner within a period of twelve (12) weeks from the date of receipt of copy of this order. Thereafter, it shall be open to the petitioner to seek necessary relief from the competent Civil Court based on the survey report to be issued by the respondents.

6. With the above directions, this Writ Petition stands disposed of. No costs.

29.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

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WEB **To:** COPY

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Dindigul West,
Dindigul District.
- 2.The Surveyor,
Dindigul West Firka,
Dindigul District.



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P.B.BALAJI, J.

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