



W.P.(MD)No.5294 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

WP(MD)No.5294 of 2025

and

W.M.P.(MD)No.3885 of 2025

T.Vanmathi

... Petitioner

Vs.

1. The District Collector
Madurai District.
2. The Executive Officer
O/o. T. Vadipatti Panchayat,
T.Vadipatti, Madurai District.
3. The Tahsildar
O/o. the Taluk Office, T.Vadipatti,
Madurai District.
4. The Firka Surveyor,
Neerathan Firka, Neerathan Village,
T.Vadipatti, Madurai District.
5. Geetha Saravanakumar
(R5 impleaded vide court order date
26.03.2025, in WMP(MD)No.4193/2025)

... Respondents



W.P.(MD)No.5294 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No. 27/2025 dated 17.02.2025 of the 2nd respondent quash the same and consequently direct the 3rd and 4th respondents herein to conduct survey of the petitioners patta land based on the petition No. 2024/0123/24/008765 dated 07.10.2024 in Survey No. 21/1A2 Neerathan Firka, Neerathan Village, T.Vadipatti Taluk, Madurai District, as per patta No. 1401 dated 28.01.2001 and as per the boundaries mentioned in the petitioner's sale deed dated 15.11.2007 vide Doc. No. 1513/2007.

For Petitioner : Mr.R.Saravanakumar

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R1, 3 & 4

: Mr.D.Sadiq Raja
Additional Government Pleader for R2

: Mr.S.Suresh Kumar Isaac Paul for R5

ORDER

The petitioner challenges the order of the second respondent, in Na.Ka.No. 27/2025 dated 17.02.2025 and to consequently direct the respondents 3 and 4 to conduct survey of the petitioner's patta land, based on his application dated 07.10.2024, comprised in Survey No.



W.P.(MD)No.5294 of 2025

21/1A2, Neerathan Firka, Neerathan Village, T.Vadipatti Taluk,
Madurai District.

2. I have heard Mr.R.Saravanakumar, the learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1, 3 & 4, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the second respondent and Mr.S.Suresh Kumar Isaac Paul, learned counsel appearing for the fifth respondent.

3. The case of the petitioner is that the petitioner has purchased lands in survey No.21/1A2 in and by a registered sale deed dated 15.11.2007 and pursuant to the said sale deed, the petitioner has also been issued patta and the petitioner is in absolute possession and enjoyment of the subject lands. However, the local villagers claiming that there is a 'boosthi path' situated inside the petitioner's property, are preventing survey and it also appears that suit has also been filed in respect of survey No.273/11 and the same is pending, before the Sub Court, Madurai.



W.P.(MD)No.5294 of 2025

WEB COPY

4. The grievance of the petitioner is that the second respondent ought not to have rejected the petitioner's application for survey, merely because of the claim of the local villagers, who are now espousing their cause through the newly impleaded fifth respondent, that there is a 10 feet boosthi path, which has existed for the past several decades and therefore, the survey should not be conducted. The learned counsel for the petitioner would therefore pray for the impugned order being set aside.

5. The learned counsel for the fifth respondent would submit that even in the petitioner's sale deed, the boundary reflects that the petitioner's property adjoins a pathway, which is being used by the villagers. He would further submit that the property comprised in survey number 21/1A2 being used by the local villagers and the petitioner is now attempting to take advantage of the patta issued in his favour and put up fencing to prevent the local villagers from using the pathway. He would therefore, submit that the petitioner should not disturb the usage of the existing pathway, which is situated inside the petitioner's property.



W.P.(MD)No.5294 of 2025

WEB COPY

6. The learned Special Government Pleader, Mr.M.Lingadurai, would submit that the revenue records stand mutated in the name of the petitioner and further, the boosthi path is situated only in survey No. 273/11 and not in survey No.21/1A2.

7. It is also brought to my notice that the pathway is lying in between two revenue villages namely, Neerathan village and Thadampatti village. It is seen that survey No. 273/11 is only in Thadampatti village and not in Neerathan village. Be that as it may, all these disputes between the petitioner and the villagers can be given a quietus if a proper survey is conducted, demarcating the petitioner's property, based on his sale deed and the revenue records. If the 5th respondent or the villagers are aggrieved by the survey and demarcation of boundaries and that too in view of the claim of easement that has been raised by the 5th respondent, it is always open to the 5th respondent or the other affected persons, claiming any easementary rights to approach the competent civil Court and redress their grievances, in accordance with law. It shall also be open for the authorities to initiate proceedings for acquiring the petitioner's land, in accordance with law. The survey



W.P.(MD)No.5294 of 2025

shall be conducted within a period of four weeks from the date of receipt of a copy of this order. The fifth respondent shall also co-operate for survey.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
LS

26.03.2025

To

1. The District Collector
Madurai District.
2. The Executive Officer
O/o. T. Vadipatti Panchayat, T.Vadipatti,
Madurai District.
3. The Tahsildar
O/o. the Taluk Office, T.Vadipatti,
Madurai District.
4. The Firka Surveyor,
Neerathan Firka, Neerathan Village,



W.P.(MD)No.5294 of 2025

WEB COPY T.Vadipatti, Madurai District.



WEB COPY



W.P.(MD)No.5294 of 2025

P.B. BALAJI, J.

LS

Order made in
W.P.(MD)No.5294 of 2025

Dated:
26.03.2025