

W.P.(MD)No.5911 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.5911 of 2025

G.Muthupandi

: Petitioner

Vs.

1.The Tahsildar,

Thiruvengadam Taluk Office,
Thiruvengadam Taluk,
Tenkasi District.

2.The Head Surveyor,

Thiruvengadam Taluk Office,
Thiruvengadam Taluk,
Tenkasi District.

3.The Inspector of Police,

Panavadali Chatram Police Station,
Panavadali Chatram,
Tenkasi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent



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to direct the second respondent to survey the petitioner's proeprty to an extent of 1-1.00 Ares in Patta No.2512 in Survey No.226/3A2 of Mahendravadi Village, Thiruvengadam Taluk, Tenkasi District along with police protection by the third respondent by considering the petitioner's application No.2025/0123/34/004863 dated 06.02.2025 and for other such reliefs within the period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali
For Respondents 1 & 2 : Mr.M.Lingadurai
Special Government Pleader
For Respondent No.3 : Mr.S.Prakash,
Government Advocate [Crl. Side]

ORDER

The petitioner seeks issuance of Writ of Mandamus to direct the first respondent to conduct survey based on the petitioner's application dated 06.02.2025.

2.When the matter is taken up for admission, Mr.M.Lingadurai, learned Special Government Pleader submits that on 22.02.2025, the survey authorities went to survey, based on the petitioner's application dated 06.02.2025. However, one Mr.Raj, son of Singarayan, objected to the survey and prevented the survey authorities from going ahead with the survey. The learned Special



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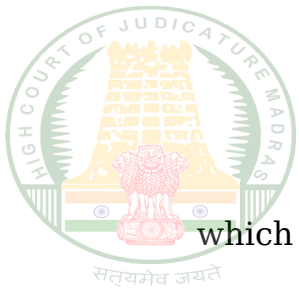
Government Pleader would therefore submit that there has been no lethargy shown on the part of the respondents and as soon as the application was made on 06.02.2025, the survey was attempted to be conducted on 22.02.2025.

3. Learned Special Government Pleader would also invite my attention to the instructions that he has received from the authorities that on the basis of the objection of one Raj, that there is a civil suit pending and the survey was postponed.

4. Learned Counsel for the petitioner submits that no suit is pending pertaining to the property and the patta has been mutated in the name of the petitioner.

5. It is for the first respondent to consider the objections of the objector. If the first respondent finds that there is no civil suit impeding the survey, they can proceed with the survey. However, if the first respondent finds that a civil suit is pending, he shall relegate the parties to the Civil Court and work out their remedies in the manner known to law.

6. Subject to the above preliminary enquiry and the first respondent finding that there is no civil suit touching the property



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which is sought to be surveyed, this Writ Petition is disposed of with a direction to the first respondent to conduct survey based on the petitioner's application dated 06.02.2025. If necessary, the first respondent shall also seek necessary assistance from the police officials after advance intimation regarding requirement of assistance of police officials. The said exercise shall be completed within a period of eight [8] weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

05.03.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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P.B.BALAJI., J.

MR

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