



W.P.(MD)No.5984 of 2025

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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.5984 of 2025

and

W.M.P.(MD)No.4376 of 2025

M.Magudeshwaran

: Petitioner

Vs.

1.The Tahsildar,
Taluk Office, Kodaikanal,
Dindigul District.

2.The Surveyor,
Kodaikanal Taluk,
Dindigul District.

3.K.Saravanakumar

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records relating to the impugned notice F.L.No.2025/0123/13/00916 dated 13.01.2025 issued by the first respondent and quash the same as illegal.



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For Petitioner : Mr.N.Mohan
For Respondents 1 & 2 : Mr.M.Lingadurai
Special Government Pleader

ORDER

The petitioner has filed the present writ petition challenging the notice issued in F.L.No.2025/0123/13/00916 dated 13.01.2025, intimating the petitioner about the proposed survey to be conducted and the petitioner having been called upon to represent along with relevant documents on 07.03.2025. The petitioner challenges the enquiry notice in the present Writ Petition.

2.It is the case of the petitioner that the petitioner's father entered into an agreement with the third respondent's father for purchasing the subject properties. An agreement of sale was also entered into and the petitioner's father was put into physical possession of the subject lands. However, the third respondent's father did not come forward to execute the sale deed and therefore, the petitioner's father was constrained to file a suit for specific performance and for declaration. However, the petitioner admits that the said suit was dismissed and further no steps were taken by the petitioner's father. However, it is the categorical stand of the



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petitioner that the physical possession continues to be with the petitioner's father. The third respondent who is the son of the original owner has sought for survey and based on his application, the impugned notice has been issued to the petitioner. The grievance of the petitioner is that when the petitioner is in possession, the third respondent under the guise of survey to be conducted is attempting to dispossess the petitioner in a high-handed manner.

3.I have heard the learned Counsel for the petitioner and Mr.M.Lingdurai, learned Special Government Pleader appearing for the respondents 1 and 2.

4.Admittedly, the petitioner only challenges an enquiry notice. However, the apprehension of the petitioner is that when the petitioner is in physical possession of the subject lands, under the guise of the survey proposed, the third respondent is trying to dispossess the petitioner.

5.In the above circumstances, it would be sufficient to dispose of the Writ Petition, directing the enquiry to be conducted based on the third respondent's application for survey. However, it is made clear that under the guise of survey, the survey authorities shall not dispossess any of the parties who may be in physical



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possession including the petitioner. Considering that the survey has been fixed day-after-tomorrow and in the light of the order passed today, the learned Special Government Pleader shall issue instructions to the survey officials to postpone the survey to any other date, after informing the parties concerned.

6.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

05.03.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To

1.The Tahsildar,
Taluk Office, Kodaikanal,
Dindigul District.

2.The Surveyor,
Kodaikanal Taluk,
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P.B.BALAJI., J.

MR

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