



W.P.(MD)No.7211 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.7211 of 2025

A.Arunananth

... Petitioner

Vs.

1.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

2.The Head Surveyor,
Nanguneri Taluk,
Tirunelveli District.

3.A.Palkani

4.A.Thavasikani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to conduct survey, measure and fix boundaries of S.No.117/1B2K to the extent of 0-1.50 Ares at Thalapathisamudram Part:2 Revenue Village, Nanguneri Taluk, Tirunelveli District based on petitioner's online application, dated 29.03.2023 within a reasonable time.

For Petitioner : Mr.Aayiram K.Selvakumar



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For R1 & R2 : Mr.M.Lingadurai
Special Government Pleader

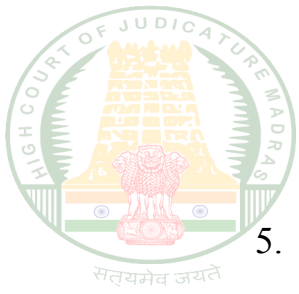
ORDER

The petitioner seeks issuance of writ of mandamus to direct the respondents to conduct survey, measure and fix boundaries of the petitioner's property in Survey No.117/1B2K measuring 0-1.50 Ares.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2.

3. The petitioner has made an online application on 29.03.2023 and since no steps have been taken for survey, the petitioner has sent a representation on 07.03.2025. The petitioner would further contend that respondents 3 and 4 who have absolutely no right in the subject property are objecting to survey being conducted at the instance of the petitioner.

4. Considering the limited prayer sought for in this writ petition and with the consent of both parties, this writ petition is taken up for final disposal.



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5. The petitioner claiming to be an adopted son of S.Sivasubramanian who has bequeathed the subject property to the petitioner, has sought for survey of the property bequeathed to him under the Will of said Sivasubramanian, dated 04.11.2015 registered in Document No.73/2015. The case of the petitioner is that the authorities are not conducting survey in view of the objections which has been raised by respondents 3 and 4. The learned counsel for the petitioner would submit that the said respondents have no connection with the subject property. Therefore, the authorities cannot postpone survey or refuse to survey based on the untenable objection of the respondents 3 and 4.

6. However, the learned Special Government Pleader would submit that in respect of Survey No.117/1B2L, one Chandra has filed a writ petition in W.P(MD)No.24642 of 2023 and this Court directed survey to be conducted based on the said Chandra's application. However, the very same respondents 3 and 4 herein have objected to the survey being conducted in respect of the said Chandra's property and thereafter, no survey was conducted.

7. In view of the above, the 1st respondent as a first step shall conduct an enquiry after issuing notice to the petitioner as well as the respondents 3 and 4



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herein and hear their objections. In the event of the 1st respondent finding such

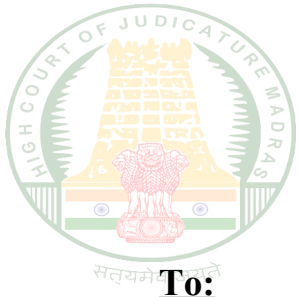
objections being unsustainable or untenable on the face of it, then the 1st respondent shall reject the said objection and proceed to conduct survey based on the petitioner's application, dated 29.03.2023. However, in the event of the 1st respondent finding any complex issues of title involved in view of the claim made by the respondents 3 and 4, then the 1st respondent shall be entitled to refuse to survey and direct the parties to approach the competent Civil Court to redress their grievances. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of copy of this order.

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

18.03.2025

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

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P.B.BALAJI, J.

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