



W.P.(MD)No.7497 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.7497 of 2025

and

W.M.P(MD)No.5649 of 2025

Arul Dharmaraj

.... Petitioner

/Vs./

1. The District Revenue Officer
Tenkasi District, Tenkasi.
2. The Revenue Divisional Officer
Tenkasi District, Tenkasi.
3. The Tahsildhar
Veerakeralampudhur Taluk, Tenkasi District.
4. The Taluk Surveyor
Veerakeralampudhur Taluk, Tenkasi District.
5. Arul Selvaraj
.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents No.3 and 4 from conducting survey for the lands in S.No.469/1B 469/6B 516/1 and 516/3 situated at Surandai 1 Revenue Village, Veerakeralampudhur Taluk, Tenkasi District till the patta cancellation proceedings is pending



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on the file of the 2nd respondent by considering the petitioner objection petition dated 11.12.2024.

For Petitioner : Mr.KR.Bharathi Kannan
For R1 to R4 : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner filed the present writ petition to forbear the respondents 3 & 4 from conducting survey pending the patta cancellation proceedings, on the file of the second respondent.

2. The admitted case of the petitioner is that the petitioner has given an objection on 11.12.2024 seeking cancellation of patta issued on the strength of the fabricated documents without any iota of title, right in the subject lands. The said application is pending before the Revenue Divisional Officer, Tenkasi. However, the fifth respondent has approached this Court in W.P.(MD)No.2276 of 2025 and by an order dated 28.01.2025, the said writ petition was disposed of with several directions. Some of the directions pertains to hearing the persons, who made objections and if it is found that the objections are sustainable, then the applicant, who seeks for survey, should be directed to approach the



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Civil Court. Only in the event of objections being without any basis, the same shall be overruled and the objectors will have to be given time, viz., period of six weeks so that the objectors can move the competent Court seek injunction and only after expiry of the said period and there being no interim order, survey shall be permitted to go on.

3. In the present case, the very patta of the private respondents has been challenged by the petitioner and the same is pending from December, 2024. Despite giving such objections to the survey authorities, the Tahsildar has ignored the said contentions stating that as on date patta has not been set aside. The said report of the revenue authorities is certainly not justifiable when an earlier application for cancellation of patta is made and is pending with the revenue authorities themselves. Therefore, the manner in which the objections of the respondents have been dealt with is clearly unsustainable. However, at the same time, when this Court permitted the survey to be conducted, subject to conditions which have been stipulated by this Court, amongst other conditions, the authorities have to scrupulously follow the said directions of this Court and the petitioner will have to be heard and the



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objections will have to be tested first, before even deciding on the question of whether survey can be conducted or not. The exercise undertaken by the Tahsildar is therefore, clearly violative of the directions issued by this Court.

4. In view of the above, the writ petition has to be necessarily allowed in part. The second respondent, before whom the objections of the petitioner are pending from 11.12.2024, shall conduct an enquiry and after affording an opportunity to the petitioner as well as the fifth respondent, shall decide the application for cancellation of patta as sought for by the writ petitioner. Subject to the decision of the Revenue Divisional Officer, the survey would be proceeded with or declined. The Revenue Divisional Officer shall conclude the enquiry within a period of eight weeks from the date of receipt of a copy of this order.

5. In view of the above, the writ petition is allowed in part. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

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