



W.P.(MD)No.7488 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

WEB COPY

CORAM

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

W.P.(MD)No.7488 of 2025

and

W.M.P.(MD)No.5641 of 2025

P.Mariraj

: Petitioner

Vs.

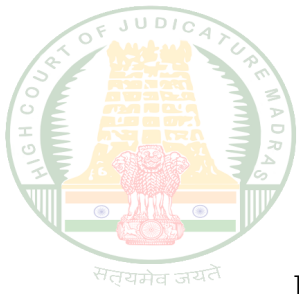
1. The Thasildar,
Manaparai Taluk,
Trichy District.

2. The Head Surveyor,
Manaparai Taluk,
Trichy District.

3. Nachammal

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned letter in Na.Ka.A2/02/2025 dated 10.03.2025 issued by the 1st respondent and quash the same and consequently directing the 1st and 2nd Respondents not to conduct the survey of land until the disposal of the Civil suit pending on the file of the District Munsif Court, Manaparai is OS.No.96/2024.



W.P.(MD)No.7488 of 2025

WEB COPY

For Petitioner : Mr.M.Karthikeya Venkitachalapathy
For Respondents 1&2 : Mr.B.Saravanan,
Additional Government Pleader

ORDER

The petitioner has challenged the survey notice dated 10.03.2025, intimating the survey is to be conducted on 17.03.2025.

2.The case of the petitioner is that there is an irrigation channel running inside the property of the third respondent and in and by the proposed survey, the third respondent is attempting to obliterate the said water channel. Therefore, the petitioner has challenged the enquiry notice.

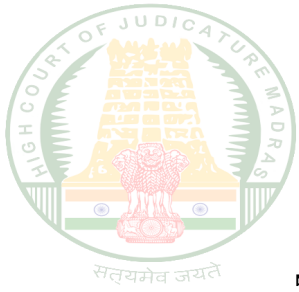
3.I find that this Court by order dated 08.04.2024 in W.P. (MD)No.8858 of 2024, at the instance of the third respondent herein has passed an order directing the survey to be conducted subject to various conditions. One of the conditions is that the survey authority will have to issue notice to adjacent land owners and also to interested parties and an enquiry has to be conducted. If the objections raised by the adjacent land owners / interested parties are having merit, then the authorities will have to call upon the applicant to move the jurisdictional Civil Court to agitate his rights. Only if the authorities find that the objections are without basis, the same can



W.P.(MD)No.7488 of 2025

be overruled and even then the objectors would have to be informed about the said decision to enable them to move the competent Court, seeking injunction and the survey would be postponed for a period of six [6] weeks to enable the objector to move the competent Civil Court seeking the relief. Moreover, I find that the petitioner has already moved the Civil Court in O.S.No.96 of 2024 and the said suit is pending. The order of this Court directing notice to be issued to adjacent land owners as well as interested parties and hearing objections is a pre-requisite for survey to be conducted. However, from the impugned notice, I find that the no such exercise has been undertaken or even proposed to be undertaken. Therefore, the writ petitioner is entitled to the suitable relief.

4.Accordingly, the Writ petition is disposed of, with a direction to the respondents 1 and 2 to strictly abide by the conditions imposed upon them in the order in W.P.(MD)No.8858 of 2024 dated 08.04.2024. Only upon hearing the objections of the petitioner herein and passing orders on the same, further decision regarding survey can be taken. Even if the authorities namely the first respondent decides to direct the petitioner / applicant to the competent civil Court, the survey has to be postponed by six [6] weeks, to enable the petitioner to obtain interim orders from the competent civil Court.



W.P.(MD)No.7488 of 2025

WEB COPY

5.In view of the above, impugned notice is set aside and the first respondent shall abide by the directions of this Court in W.P.(MD)No.8858 of 2024 dated 08.04.2024. It is open to the respondents to issue fresh notice to all interested parties and proceed in terms of the directions in W.P.(MD)No.8858 of 2024. It is also brought to my notice that the third respondent has filed Contempt Petition, alleging disobedience of the order made in W.P.(MD)No.8858 of 2024 dated 08.04.2024.

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

19.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



WEB COPY



W.P.(MD)No.7488 of 2025

To

1. The Thasildar,
Manaparai Taluk,
Trichy District.

2. The Head Surveyor,
Manaparai Taluk,
Trichy District.



WEB COPY



W.P.(MD)No.7488 of 2025

P.B.BALAJI., J.

MR

W.P.(MD)No.7488 of 2025

19.03.2025