



W.P.(MD) No.7398 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.7398 of 2022

Karu Malai Kathiresan

Vs.

... Petitioner

1.The Thasildar,
Sivagangai Taluk,
Sivagangai District.

2.The Taluk Surveyor,
Sivagangai Taluk,
Sivagangai District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to survey and mark the boundaries of the property comprised in Survey No. 146/1 of Paiyur Village, Sivagangai Taluk, Sivagangai District, based on the judgment in O.S.No.11 of 2011 dated 04.02.2020 and the sale executed by the Principal District Court, Sivagangai, dated 31.08.2021 by considering the application submitted by the petitioner dated 11.04.2022 within a timeframe that may be fixed by this Court.



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W.P.(MD) No.7398 of 2022

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

The Petitioner herein seeks a direction to the respondents to survey the property situated in Survey No.146/1, Paiyur Village, Sivagangai Taluk, Sivagangai District, in the light of the judgment passed in O.S.No. 11 of 2011, on the file of the learned Principal District Judge, Sivagangai, dated 04.02.2020 and the sale deed executed by the said Court dated 31.08.2021, by considering his representation dated 11.04.2022.

2.Heard the arguments of Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.A.Baskaran, learned Additional Government Pleader appearing for the respondents. By consent of both sides, this Writ Petition is taken up for final disposal.

3.It is the case of the petitioner that he filed a suit in O.S.No.11 of 2011 against one S.V.Ganesand and K.Malarvizhi and obtained the



W.P.(MD) No.7398 of 2022

WEB COPY

decree for specific performance in respect of the subject property situated in Survey No.146/1. Subsequently, a sale deed was executed by the Civil Court pursuant to the decree passed in the specific performance suit. Thereafter, the petitioner submitted an application before the respondent on 11.04.2022 seeking survey of the property covered by the judgment and the same has not been considered. Hence, the petitioner has come before this Court.

4.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has not submitted a proper online application and has not paid necessary charges. If any proper online application is filed, the request of the petitioner will be considered on its own merits.

5.In view of the stand taken by the learned Additional Government Pleader appearing for the respondents, this Court, without expressing any opinion on the merits of the matter, is inclined to direct the petitioner to submit a proper online application for survey of the property within a period of two weeks from the date of receipt of a copy of this order. The



W.P.(MD) No.7398 of 2022

WEB COPY

petitioner shall also pay the necessary survey charges to the respondents.

On such application and payment of charges, the first respondent shall consider the same and pass final orders on its own merits, within a period of eight weeks from the date of receipt of the application, after giving due opportunity to the petitioner and other interested parties.

Accordingly, this Writ Petition is disposed of. No costs.

06.06.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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To

1.The Thasildar,
Sivagangai Taluk,
Sivagangai District.

2.The Taluk Surveyor,
Sivagangai Taluk,
Sivagangai District.



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W.P.(MD) No.7398 of 2022



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W.P.(MD) No.7398 of 2022

S.SOUNTHAR,J

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