



W.P.(MD)No.7743 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

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

W.P.(MD)No.7743 of 2025

Periyathambi

: Petitioner

Vs.

1. The District Collector,
Office of District Collector,
Thanjavur District.
2. The Assistant Director (Survey & Land Records),
Office of the Assistant Director,
Thanjavur District.
3. The Tahsildar,
Thiruvonam Taluk,
Thanjavur District.
4. The Taluk Surveyor,
Thiruvonam Taluk,
Thanjavur District.
5. The Deputy Surveyor,
Thiruvonam Taluk,
Thanjavur District.

6. Ganeshamoorthy

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus direct the 1 to 5 respondents not to survey the land in S.No. 160/3 (extent to 07.50 Acres) situated in Thoppuviduthi Village, Orathanadu Taluk, now Thiruvonam Taluk, Thanjavur District by considering the petitioner's representation dated 15.03.2025.

For Petitioner : Mr.K.R.Manimaran

For Respondents 1 to 5 : Mr.S.Kameswaran

Government Advocate

ORDER

The petitioner has sought for issuance of Writ of Mandamus to forbear the respondents 1 to 5, from surveying the land in S.No. 160/3 (extent to 07.50 Acres) situated in Thoppuviduthi Village, Orathanadu Taluk, now Thiruvonam Taluk, Thanjavur District. The petitioner has also given his objections for survey in writing on 15.03.2025.

2.Learned Counsel for the petitioner would submit that survey is now sought to be undertaken at the instance of the sixth respondent who has approached this Court and obtained an order in W.P.(MD)No.15155 of 2025, where this Court permitted survey subject to several conditions. It is clear from the order of this Court



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that if there are any objections from the interested parties, such objection will have to be heard first and decided before proceeding to conduct survey. Admittedly in the present case, the petitioner has given his objections on 15.03.2025.

3.On instructions, learned Additional Government Pleader would submit that the petitioner was unable to produce any documents and only under such circumstances, the survey was attempted to be proceeded with.

4.However, I find from the averments in the affidavit that no notice has been issued to the writ petitioner, whose objections are already on file with the respondents. Further, the apprehension of the writ petitioner is that under the guise of survey, the sixth respondent is attempting to dispossess the petitioner. It is trite law that under the guise of survey, that too by revenue authorities, there cannot be any dispossession of persons who are in possession, irrespective of whether they are in lawful possession or not. Therefore, it is made clear that in the event of the petitioner being found to be in possession, there can be no dispossession.

5.Even otherwise, for proceeding with the survey as directed by this Court in W.P.(MD)No.15155 of 2025, the third respondent



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has to conduct an enquiry, call for documents from the petitioner as well as sixth respondent and after affording an opportunity of personal hearing to both the petitioner and the sixth respondent, the third respondent shall decide the entitlement of the sixth respondent for survey to be conducted. If the third respondent finds the objections of the petitioner to be sustainable, then the sixth respondent shall be directed to approach the competent Civil Court. However, if the third respondent *prima facie* finds that the objections are unsustainable, the same shall be communicated to the petitioner by the third respondent and thereafter, shall proceed with the survey, strictly complying with all the directions issued by this Court in W.P.(MD)No.15155 of 2025 dated 09.07.2024. The said exercise shall be completed within a period of four [4] weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

20.03.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

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P.B.BALAJI., J.

MR

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