

W.P.(MD)No.8031 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

CORAM

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

W.P.(MD)No.8031 of 2025

Rajalakshmi

: Petitioner

Vs.

1.The Tahsildar,
Taluk Office, Palani,
Dindigul District.

2.The Taluk Surveyor,
Palani Taluk,
Dindigul District.

3.Kathirvel

4.Mayilathal

5.Karuppathal

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 and 2 to survey and fix the boundaries for the purpose of fencing the are based on the petitioner's challan dated 06.08.2024.



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For Petitioner : Mr.N.Mohan
For Respondents 1&2 : Mr.M.Lingadurai,
Special Government Pleader

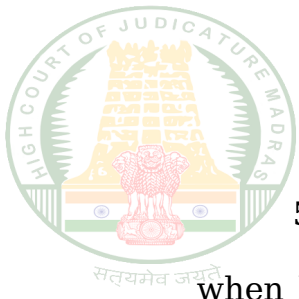
ORDER

The petitioner based on registered settlement deed and separate patta issued to the petitioner has sought for survey by making an application on 06.08.2024. The said application is pending without any progress.

2.Learned Special Government Pleader would submit that only because of pendency of second appeal S.A.(MD)No.691 of 2024, survey has not been conducted.

3.Learned Counsel for the petitioner would submit that the second appeal is arising out of concurrent findings rendered in favour of the petitioner and there is also no interim order in favour of the appellant in second appeal and therefore, he would submit that there can be no impediment for the survey to be conducted based on the petitioner's application dated 06.08.2024.

4.I have heard the learned Counsel for the parties.



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5.The petitioner's request appears to be reasonable, especially when he has arrayed the persons who were parties before the Civil Court, here as respondents. The petitioner has also narrated the trajectory of the Civil litigation commencing from O.S.No.68 of 2012. Admittedly, there is no interim order granted by this Court while admitting second appeal.

6.I do not see any impediment for the authorities to proceed with the survey based on the petitioner's application dated 06.08.2024. The said exercise shall be conducted after issuing notice to the respondents and after hearing their objections, if any. Of course, mere pendency of the second appeal shall not be put against the petitioner for postponing or cancelling the survey. Further, the respondents 1 & 2 shall conduct survey and demarcate the boundaries, within a period of eight [8] weeks from the date of receipt of a copy of this order.

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

24.03.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To

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P.B.BALAJI., J.

MR

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