



W.P.(MD)No.8402 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.8402 of 2025

K.Oppilamani

... Petitioner

Vs.

1.The Tahsildar,
Office of the Tahsildar,
Peravurani Taluk,
Peravurani,
Thanjavur District.

2.The Firka Surveyor,
Peravurani Taluk,
Peravurani,
Thanjavur District.

3.Thangavel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to conduct survey, sub-division, fix four boundaries and to issue separate patta in respect of the Survey No.5/2A to the extent of 9 cents situated at Enathi Karambai, Peravurani Taluk, Thanjavur District by considering the petitioner's application, dated 13.03.2025 within the time stipulated by this Court.

For Petitioner : Mr.P.Balamurugan



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For R1 & R2 : Mr.M.Lingadurai
Special Government Pleader

ORDER

The petitioner seeks issuance of writ of mandamus to direct the respondents 1 and 2 to conduct survey based on his application, dated 13.03.2025. The petitioner would also submit that a separate application has also been made for separate patta.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2.

3. The learned Special Government Pleader, on instructions, would submit that the petitioner's application for issuance of separate patta has already been rejected on 24.09.2024 and even the request for survey has been negatived in view of pendency of civil suit.

4. It is also seen that the 3rd respondent has filed a suit in O.S.No.33 of 2024 in respect of 15 cents comprised in the very same Survey No.5/2A, in respect of which, an extent of 9 cents is sought to be surveyed by the petitioner.



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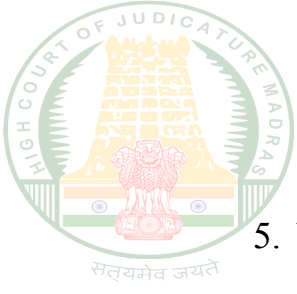
Considering the rejection of his application for issuance of separate patta and

the fact that the petitioner holds a joint patta along with his brother/3rd respondent and pendency of the civil suit in O.S.No.33 of 2024, this writ petition is disposed of with the following directions:

(i) The 1st respondent is directed to conduct an enquiry and hear the petitioner as well as the 3rd respondent.

(ii) If the 1st respondent *prima facie* satisfied with the objections raised by the 3rd respondent, if any, then the proposed survey shall be dropped. In the event of the 1st respondent finding the objections of the 3rd respondent unsustainable in respect of the petitioner's request for survey of 9 cents alone in Survey No.5/2A, then the 1st respondent shall proceed to survey the petitioner's lands after a period of six (6) weeks to enable the 3rd respondent to move the Civil Court to obtain any interim orders.

(iii) It is also open to the petitioner to take out an application for appointment of Advocate Commissioner in the pending suit in O.S.No.33 of 2024 to survey the petitioner's property along with the Taluk Surveyor concerned.



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5. With the above directions, this Writ Petition stands disposed of. No

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26.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

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To

- 1.The Tahsildar,
Office of the Tahsildar,
Peravurani Taluk,
Peravurani,
Thanjavur District.
- 2.The Firka Surveyor,
Peravurani Taluk,
Peravurani,
Thanjavur District.



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P.B.BALAJI, J.

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