



W.P.(MD)No.10500 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD) No.10500 of 2025
and
W.M.P.(MD) No.7847 of 2025

S.Muthukrishanan

... Petitioner

/Vs./

1.The Tahsildhar,
Madurai North Taluk,
Madurai District.

2.N.Natchiaaapan

3.N.Meenakshi

4.Sathya Jothi Motors

5.Thiyagarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned proceeding of the 1st respondent in Na.Ka.No.5570/2024/S2 dated 27.01.2025 and the quash same as illegal and thereby directing the 1st respondent to comply with the direction of



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this Court passed in W.P.(MD).No. 7636 of 2022 dated 21.04.2022 and consequently fix the boundaries the petitioner of the properties bearing s.no.15/1, Managiri Village, Madurai North, Madurai District.

For Petitioner : Mr.C.M.Arumugam

For R1 : Mrs.K.Malathi
Additional Government Pleader

For R2 & R3 : Mr.R.Murali

ORDER

The petitioner challenges the order of the first respondent dated 27.01.2025.

2.I have heard Mr.C.M.Arumugam, learned counsel for the petitioner, Mrs.K.Malathi, learned Additional Government Pleader for the first respondent and Mr.R.Murali, learned counsel for the respondents 2 and 3.

3.The learned counsel for the parties agree that the respondents 4 and 5 are not necessary parties and hence, this Writ Petition is taken up for final disposal.

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4.The grievance of the petitioner is that the respondents exceeded the jurisdiction and the scope of the order passed by this Court in W.P. (MD) No.28832 of 2022 dated 01.03.2023.

5.I have perused the said order. This Court ordered as follows:-

“2.There is a dispute regarding demarcation of the property between the petitioner on the one hand and the third respondent on the other. The petitioner has purchased the property on the southern side. The third respondent has purchased the property on the northern side. The issue between the parties can be very easily resolved, if the second respondent undertakes the exercise of survey. The second respondent is directed to survey the land based on the respective title deeds of the petitioner and the third respondent. The petitioner and the third respondent shall extend their fullest cooperation. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.”



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6. According to the learned counsel for the petitioner, the finding rendered by the Tashildar that the private respondents 2 and 3 are the owners of the property was beyond the scope of the order passed by this Court in the earlier writ petition. He would further submit that the only direction issued by this Court was to verify the documents and to conduct the survey.

7. The learned counsel appearing for the respondents 2 and 3 would however submit that as a first step to comply with the order of this Court dated 01.03.2023, the Tashildar has proceeded to only verify the documents to ascertain the entitlement to the parties before proceeding to survey. Hence, he would submit that there is no infirmity in the order passed by the first respondent.

8. Be that as it may, on going through the order, I find that the first respondent has given a categorical finding that the respondents 2 and 3 are entitled to the disputed property. Such a finding was not contemplated by this Court while passing the order on 01.03.2023 in W.P.



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WEB COPY (MD) No.28832 of 2022. The only direction given by this Court was to verify the documents and based on the documents to conduct survey.

9.Both the learned counsel are agreeable for the exercise of the survey to be conducted, based on the registered documents in favour of the petitioner as well as the respondents 2 and 3.

10.In view of the above, the impugned order is set aside and the matter is remitted to the first respondent to conduct a physical survey of the properties belonging to the petitioner as well as respondents 2 and 3 and demarcate their respective boundaries. Thereafter, it shall be open to the aggrieved parties to take further legal steps in the matter as they may be advised.

11.With the aforesaid directions, the Writ Petition stands allowed.
No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
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TO:-

The Tahsildhar,
Madurai North Taluk,
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P.B. BALAJI, J.

mm

Order made in
W.P.(MD)No.10500 of 2025

Dated:
17.04.2025