



W.P(MD)No.8723 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition(MD)No.8723 of 2023

and

W.M.P(MD)No.7994 of 2023

Thangamalai

..Petitioner

Vs

- 1 The District Collector,
O/o.Collectorate,
Madurai District, Madurai.
- 2 The District Revenue Officer,
O/o.Collectorate,
Madurai District, Madurai
- 3 The Special Tahsildar
The Survey and Settlement, Taluk Office,
Usilampatti Taluk, Madurai District.
- 4 The Head Surveyor
Taluk Office,
Usilampatti Taluk,
Madurai District.
- 5 Muthupillai @ Muthulakshmi

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 2 to 4 and their subordinate men from survey the property at re.sy.no.333/6 and larger extend of the survey no.333/1B Usilampatti Village, Madurai District and to fixed the boundary.



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For Petitioner : Mr.S.Balaji

For Respondents : Mr.D.S.Nedunchezian
Govt. Advocate (for R1 to R4)

Mr.H.Thayumanaswamy (for R5)

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus, forbearing the respondents 2 to 4 from conducting a survey in respect of the properties comprised in R.S.No.333/6 and S.No.333/1B, situated at Usilampatti Village, Madurai District.

2. According to the petitioner, the 5th respondent herein earlier filed a writ petition in W.P.(MD)No.4114 of 2023 before this Court, seeking survey of the property comprised in R.S.No.333/6, situated at Usilampatti Village. The said writ petition was disposed of with the following directions:

“2.....(I) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.

(II) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(III) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled



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and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on. It is open to the parties to serve memo of instructions to the surveyor at the time of conducting the survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.

(IV) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(V) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

(VI) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid. The Survey Authority will pass order within a period of six weeks after service of notice on the interested persons.

(VII) A copy of the survey report will be served on the parties also.

3. Though the official respondents were directed to issue notice to the interested parties and conduct an enquiry on their objections, without issuing any notice to the petitioner and without conducting such enquiry,



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the official respondents have attempted to survey the property. Hence, the petitioner has approached this Court with the above prayer.

4. The 3rd respondent has filed a counter affidavit stating that, pursuant to the directions of this Court, the 3rd respondent, in turn, directed the 4th respondent to conduct a survey of the property after issuing notice to all interested parties. In compliance with the said direction, the 4th respondent issued notice to the 5th respondent herein as well as to the adjacent landowners for carrying out the survey of the dry land situated in R.S.No.333/6. However, the petitioner filed objections and hence, the survey process has been stopped.

5. From the counter affidavit filed by the 3rd respondent, it is evident that the petitioner has already submitted his objection to the survey of the property situated in R.S.No.333/6, and the same is presently pending consideration before the 3rd respondent.

6. In view of the above, without expressing any opinion on the merits of the matter, the 3rd respondent is directed to consider the objection submitted by the petitioner by conducting an enquiry, and pass final orders on its own merits, within a period of eight (8) weeks from the date of receipt of a copy of this order, after affording a reasonable opportunity to the petitioner, the 5th respondent, and the other neighbouring landowners.



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7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn
To

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S.SOUNTHAR, J.

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