



W.P.(MD)No.9446 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.9446 of 2025

T.Anbarasan

... Petitioner

Vs.

1.The Tahsildar,
Bodinayakkanur,
Theni District.

2.The Inspector of Police,
Kurangani Police Station,
Theni.

3.K.P.Ravichandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to survey the petitioner's land in Survey No.1190/1 situated at Vadamalainchiamman Kovil Pulam, Bodinayakkanur Village, Theni District respectively and fix its boundaries as per the revenue records with the aid of the 2nd respondent by considering the petitioner's representation, dated 01.03.2025 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew



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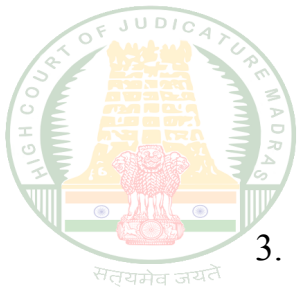
For R1 : Mrs.S.Jeyapriya
Government Advocate

For R2 : Mr.S.Prakash
Government Advocate(Crl.Side)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2. The petitioner is an auction purchaser in proceedings initiated by the Bank from whom the defaulter, owner of the property had borrowed a loan. The petitioner having successfully bid for purchase of the property has also been issued a sale certificate. Subsequently, the petitioner has sought for survey and made an application on 01.03.2025. The borrower, who is the original owner of the property has objected to the said survey and therefore, the petitioner having no other option, has approached this Court seeking issuance of a writ of mandamus to direct the 1st respondent to survey the petitioner's land and fix four boundaries.



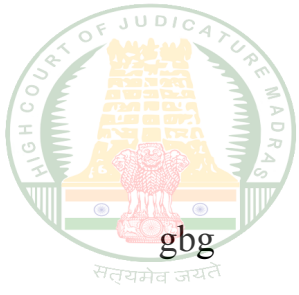
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3. Considering that the 3rd respondent had defaulted in repayment of dues to the bank and subsequently the bank has taken request to SARFAESI proceedings and brought the property for sale in public auction, and the petitioner having successfully bid for the said property, he is entitled to have a survey conducted. The objections of 3rd respondent are wholly untenable and cannot come in the way of survey being conducted at the request of the auction purchaser, that too in proceedings before the Debt Recovery Tribunal, Madurai. Therefore, the 1st respondent shall proceed to conduct survey based on the petitioner's representation, dated 01.03.2025 and pass orders, and also give advance intimation to the 2nd respondent to provide adequate police protection at the time of survey to ward off any untenable objections on the side of the 3rd respondent. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

4. With the above direction, this Writ Petition stands disposed of. No costs.

04.04.2025

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



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P.B.BALAJI, J.

gbg

To:

- 1.The Tahsildar,
Bodinayakkanur,
Theni District.
- 2.The Inspector of Police,
Kurangani Police Station,
Theni.

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