



W.P.(MD)No.10488 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.10488 of 2025

and

W.M.P(MD)No.7837 of 2025

V.Rajasekar

.... Petitioner

/Vs/

1. The Tahsildar
Sankarankovil Taluk,
Sankarankovil,
Tenkasi District.

2. M.Mariamammal

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent Na.Ka.Aa9/400/2024 dated.06.11.2024 and 16.12.2024 quashing the same and directing the 1st respondent to consider the petitioner's objection dated.28.03.2025 and to forbear the respondents from proceeding with the survey of the land of 84 cents in Survey 264/1 and 264/3A in Keelaneelithanallur Village, Sankaran Kovil Taluk, Tenkasi District pending adjudication of the suit in O.S.No.196 of 2020 on the file of the Principal District Munsif Court, Sankarankovil.



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For Petitioner : Mrs.S.Mahalakshmi
For R1 : Mr.M.Lingadurai
Special Government Pleader

ORDER

I have heard Mrs.S.Mahalakshmi, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the first respondent.

2. The writ petitioner challenges the survey notice issued by the first respondent, proposing survey to be conducted on 14.11.2024. According to the petitioner, without impleading the petitioner as a party, the second respondent has approached this Court by filing a writ petition in W.P.(MD)No.24914 of 2024 suppressing the pendency of the Civil Suit and obtained an order for survey.

3. The learned counsel for the petitioner would invite my attention to the order passed by this Court in W.P.(MD)No.24914 of 2024, where, this Court has directed survey to be conducted only after adjudicating the disputes/objections, if any of other interested parties. She would



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therefore submit that the said exercise has not been carried out by the first respondent, till date. She also submits that no survey has been conducted in pursuance of the notice dated 06.11.2024 proposing survey to be conducted on 14.11.2024.

4. Per contra, Mr.M.Lingadurai, learned Special Government Pleader appearing for the first respondent would submit that in pursuance of the orders of this Court in W.P(MD)No.24914 of 2024 5, to which, the petitioner herein was not a party, the survey was conducted and boundaries identified in the presence of the Mariammal, the second respondent herein. Admittedly, the writ petitioner herein was not put on notice about the said survey. In any event, such survey which is not in strict compliance with the orders of this Court in W.P(MD)No.24914 of 2024 cannot bind the writ petitioner. Be that as it may, a survey has been conducted on 24.12.2024 in furtherance of the orders passed by this Court. The first respondent shall furnish the copy of the survey report to the writ petitioner and the petitioner shall be at liberty to take appropriate proceedings in furtherance thereof, if aggrieved. It is also made clear that in the event of survey not being conducted, which is the case of the



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petitioner, then the authorities may direct the parties concerned to move an application for appointment of Advocate Commissioner along with Taluk Surveyor in the pending civil suit.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

16.04.2025

To

The Tahsildar
Sankarankovil Taluk,
Sankarankovil,
Tenkasi District.



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P.B. BALAJI, J.
am

Order made in
W.P.(MD)No.10488 of 2025

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