



W.P.(MD)No.10784 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.10784 of 2025

R.Vinayagamoorthy

.... Petitioner

/Vs/

1. The District Collector
Office of the District Collector,
Virudhunagar District, Virudhunagar.
2. The Revenue Divisional Officer
Office of Revenue Divisional Officer,
Virudhunagar District, Virudhunagar.
3. The Tahsildhar
Office of the Tahsildhar, Thiruchuli Taluk,
Virudhunagar District.
4. The Pirkka Surveyor
Land Survey Section, Office of the
Tahsildhar, Thiruchuli Taluk,
Virudhunagar District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents particularly respondents 3 and 4 to survey the petitioner's land in an extent of 5-1/2



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cents bearing Survey Nos.18/1L1D and 18/1K bearing Patta Nos.407 and 212 respectively as per the registered petitioner's sale deeds situated at Ottankulam Village, Thiruchuli Taluk, Virudhunagar District and thereupon to fix the metes and bounds on the petitioner's land and lay the boundary stone on the earmarked portion of the land including the building of the petitioner.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

I have heard Mr.V.R.Venkatesan, learned counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents.

2. The petitioner has made a request for survey to be conducted in respect of lands measuring 5 ½ cents comprised in survey Nos.18/1L1D, 18/1K.

3. Admittedly, the patta numbers 407 and 212 have been issued in the name of the petitioner in respect of these survey numbers. However, as pointed out by the learned Government Advocate, the petitioner has



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paid charges for survey only in respect of survey number 18/1L1D and not in respect of 18/1K. However, the learned counsel for the petitioner would submit that the petitioner would have no difficulty in paying the necessary charges in respect of survey number 18/1K and assures that the said payment would be made within a period of two weeks and also undertakes to produce patta number 212 before the first respondent.

4. Insofar as survey number 18/1L1D, I am able to see that an attempt was already made for survey. However, one Mr.Chithiraivelu has objected for survey and also issued a lawyer's notice on 01.02.2025. Mere objection to survey of lands based on an application of a Pattadar, who has been issued patta by the revenue authorities, cannot result in postponement or calling off the survey. If at all the objector has any valid grounds to object to the survey, the objector ought to have obtained necessary orders from the competent Civil Court. Therefore, I see no impediment for the authorities to proceed to survey the petitioner's land as requested by the petitioner subject to the petitioner making payment of necessary charges in respect of survey number 18/1K and also producing patta number 212 pertaining to the said survey number, within a period of



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two weeks from the date of receipt of a copy of this order. Thereafter, the respondents 3 and 4 shall conduct survey after giving advance notice to the objector Chithiraivelu and shall consider the objections of the said Chithiraivelu and adjudicate the same before proceeding to survey. In the event of the third respondent finding any title issues arising, in view of the objections raised by the said Chithiraivelu, then the petitioner shall be relegated to the competent Civil court. If the objections are found to be vexatious or frivolous, the third respondent is entitled to overrule the said objections and proceed to conduct survey and dispose of the petitioner's application. The said exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order, if necessary, the third respondent shall take the assistance of the jurisdictional police officials to conduct peaceful survey.

5. With the above directions, the writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.
am

Order made in
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