

W.P(MD)NO.10348 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.07.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.10348 of 2023

and

W.M.P(MD)No.9182 of 2023

Kadarkari

... Petitioner

.Vs.

- 1.The District Collector,
Office of the District Collector,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sathiyapuram, Sivakasi,
Virudhunagar District.
- 3.The Tahsildar,
Office of the Tahsildar,
Rajapalayam,
Virudhunagar District.
- 4.The Village Administrative Officer,
Nallamangalam Village,
Rajapalayam Taluk,
Virudhunagar District.



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5.The Taluk Surveyor,
Nallamangalam Village,
Rajapalayam Taluk,
Virudhunagar District.

6.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

7.Kumar

7.C.Komu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 4 and 5 to survey the Petitioner's land to an extent of 69 sqmtr in S.No.86/9A, situated at Puthur Main Road, East Side, Keelavaragunaramapuram, Nallamangalam Village, Rajapalayam Taluk, Virudhunagar District on the basis of Petitioner's representation, dated 18.3.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Gangatharan
1 to 5 .Govt. Advocate

For Respondent-6 :Mr.M.Vaikkam Karunanithi
Govt.Advocate(Crl.side)

For Respondents :Mr.M.Jothi Basu
7 and 8

ORDER



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The Writ Petition is filed seeking a direction to the respondents 4 and 5 to survey the property purchased by the Petitioner to an extent of 69 sq.mtr in S.No.86/9A, situated at Puthur Main Road, East Side, Keelavaragunaramapuram, Nallamangalam Village, Rajapalayam Taluk, Virudhunagar District by considering the Petitioner's representation, dated 18.3.2023.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the Petitioner, he purchased the subject property under registered sale deed, dated 5.8.2020.The patta for the subject property stands in the name of Petitioner's father Thalaimalai Nadar in patta No.227. The Petitioner submitted an online application on 9.11.2022 seeking survey of the subject property. The same has not been considered till date. Hence the Petitioner is before this Court with present Writ Petition for the relief stated supra.

4.Mr.M.Gangatharan, learned Government Advocate who appears for the respondents 1 to 5 would submit that in respect of the very same property, civil suit in O.S.No.159 of 2019 is filed



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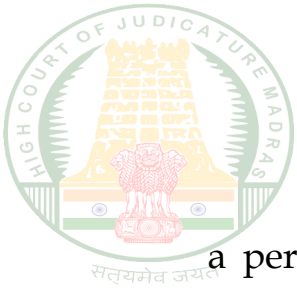
on the file of Principal Sub-Court, Srivilliputhur, Viruhunagar District Hence the request of the Petitioner could not be considered.

5.The learned counsel for the private respondents 7 and 8 would also submit that a civil suit is pending in respect of the subject property .Therefore the request of the Petitioner for survey of the subject property cannot be ordered.

6.A perusal of the plaint in O.S.No.159 of 2019 would indicate that the private respondents 7 and 8 are not parties to the said suit and the same was filed by third parties against the Petitioner's vendor and others, seeking partition.

7.It is seen from the affidavit and typed set of papers that the respondents 7 and 8 purchased the property in a different survey number and not in the subject survey number. In such circumstances, the respondents 7 and 8 cannot oppose the survey of the subject property purchased by the Petitioner.

8.In view of the same, the third respondent is directed to consider the online application of the Petitioner, dated 09.11.2022 to survey the subject property and furnish his survey report within



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a period of 8 weeks from the date of a copy of this order. It is needless to say that at the time of survey, the third respondent shall issue notice to the Petitioner, private respondents 7 and 8 and other interested parties, if any. The survey of the subject property will not affect the right or possession of any of the party.

9. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

16.07.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

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2. The Revenue Divisional Officer,
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5/8



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3.The Tahsildar,
Office of the Tahsildar,
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Virudhunagar District.

4.The Village Administrative Officer,
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Rajapalayam Taluk,
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5.The Taluk Surveyor,
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ORDER MADE IN

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