



W.P.(MD)No.11226 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.04.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.11226 of 2025

Gurusamy

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District.

2. The Thasildar,
Kadalai Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2nd respondent to survey and demarcate the petitioner's properties situated at survey No.166/2B2, A.Punavasal Village, Kadaladi Taluk, Ramanathapuram District by considering the petitioner's application, dated 29.08.2024 within stipulated time fixed by this Court.

For Petitioner : Mr.C.Venkatesh

For Respondents : Mr.B.Saravanan
Additional Government Pleader



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ORDER

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The petitioner seeks issuance of writ of mandamus to direct the 2nd respondent to conduct survey and demarcate the petitioner's property.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The petitioner has made an application as early as on 29.08.2024 and since there has been no action taken, the present writ petition has been filed. It is also the specific case of the petitioner that the petitioner is in possession and enjoyment of the subject land and patta has also been granted in favour of the petitioner's father in Patta No.10166. The petitioner is one of the legal heirs of his father Late.Andi Thevar, who is entitled to have a survey conducted as co-owner of the property.

4. The Additional Government Pleader would submit that one Mr.Muthuramalingam has approached the District Revenue Officer for UDR correction in respect of the very same property and that is the reason why survey is not being conducted to dispose of the petitioner's application.



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5. However, it is seen that when patta is standing in the name of the petitioner's father, any application by third party including the said Muthuramalingam would have to be necessarily disposed of only after hearing the present pattadhars or legal heirs of Late.Andi Thevar who are entitled to patta, subsequent to the demise of the said Andi Thevar in whose name patta is admittedly mutated.

6. The learned Additional Government Pleader would further submit that the property is fully infested with Karuvelam trees and survey is not possible without clearing the same.

7. In the light of the above, this writ petition is disposed of in the following manner:

(i) The 2nd respondent shall fix a date for enquiry and issue notice to the petitioner and other legal heirs of Late.Andi Thevar and also the said Muthuramalingam who has approached the District Revenue Officer for UDR correction.

(ii) The 2nd respondent shall conduct enquiry, to *prima facie*



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satisfy himself with regard to entitlement of the petitioner for survey

WEB.COM to be conducted.

(iii) If the Tahsildar is of *prima facie* opinion that the claims of the said Muthuramalingam are touching issues of title, then the Tahsildar shall be entitled to refuse survey and direct the parties to approach the competent Civil Court.

(iv) In the event of the 2nd respondent find the objections of the said Muthuramalingam not germane to the survey sought for by the petitioner, then objections shall be overruled and survey shall be proceeded with, after giving sufficient time for the said Muthuramalingam to approach the competent Civil Court and obtain interim orders. In other words, survey shall be conducted after a period of six (6) weeks from the date of rejection of the objections of the said Muthuramalingam.

(v) In the event of survey being proposed, overruling the objections of the said Muthuramalingam, then the petitioner, at his cost, shall remove all the Karuvelam trees, to enable the 2nd respondent to conduct survey.



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(vi) The entire exercise shall be carried out within a period of

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8. In view of the above terms, this Writ Petition stands disposed of. No costs.

22.04.2025

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

1. The District Collector,
Ramanathapuram District.
2. The Thasildar,
Kadalai Taluk,
Ramanathapuram District.



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P.B.BALAJI, J.

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