



W.P.(MD)No.11197 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.11197 of 2025

and

W.M.P.(MD)No.8341 of 2025

Balakrishnan

: Petitioner

Vs.

1.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

2.The Head Surveyor,
Kayathar Taluk,
Thoothukudi District.

3.Jamuna

4.Ramar Pandiyan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the third and fourth respondents to work out their remedies before the jurisdictional civil court in respect of the sub-divisional S.No.170/1B1B and S.No. 170/1B1C measuring a total extent of 25 cents in



W.P.(MD)No.11197 of 2025

Thirumangalakuruchi Village, Kayathar Union, Kovilpatti Taluk,
Thoothukudi District.

WEB COPY

For Petitioner : Mr.P.M.Vishnu Varthanan
For Respondents 1 & 2 : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner has filed the present Writ Petition, seeking a direction to the respondents 3 and 4 to work out their remedies before the Civil Court in respect of sub-divisional S.No.170/1B1B and S.No.170/1B1C, measuring a total extent of 25 cents.

2.Learned Counsel for the petitioner Mr.P.M.Vishnu Varthanan, would invite my attention to my order in W.P.(MD)No. 2978 of 2025 dated 03.02.2025, which was filed at the instance of the third respondent herein / Jamuna. According to the learned Counsel for the petitioner, Jamuna's vendor is a party defendant No.2 in the pending suit in O.S.No.236 of 2017. According to the learned Counsel for the petitioner, Jamuna was well aware of the death of the plaintiff in the suit. Further, Jamuna is also not a party to the said suit. Therefore, the apprehension of the petitioner herein is that based on survey to be conducted in pursuance of the order passed by me in W.P.(MD)No.2978 of 2025 dated 03.02.2025, the



W.P.(MD)No.11197 of 2025

third respondent should not take any undue advantage. Therefore, he seeks for cancelling the survey. Now, the petitioner has no objection for survey to be conducted.

3.Considering the fact that survey was directed to be conducted in the presence of the parties, including the plaintiff and the fact that the plaintiff therein is no more and now the legal heirs have been brought on record, it is made clear that survey shall be conducted after giving notice to the writ petitioner herein as well as third respondent and the legal heirs of the plaintiff in O.S.No.236 of 2017, as well as other defendants in the said suit. It is made clear that under the guise of survey as directed by this Court, there shall be no dispossession and the survey officials are merely directed to demarcate the four boundaries of the property and the outcome of the survey that is conducted by the respondents 1 and 2 shall be subject to the final decision in O.S.No.236 of 2017. In view of the fact that the earlier order passed directing survey has not been disturbed and has only been clarified, I do not find necessity to issue notice to private respondents.



W.P.(MD)No.11197 of 2025

WEB COPY

4. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

22.04.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



WEB COPY



W.P.(MD)No.11197 of 2025

To

1.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

2.The Head Surveyor,
Kayathar Taluk,
Thoothukudi District.



WEB COPY



W.P.(MD)No.11197 of 2025

P.B.BALAJI., J.

MR

W.P.(MD)No.11197 of 2025

22.04.2025