



W.P.(MD)No.11777of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2025

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

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T.Murugan

: Petitioner

Vs.

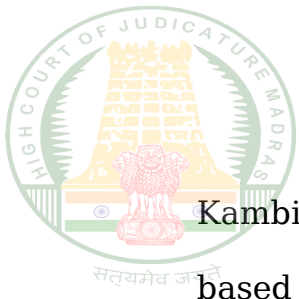
1.The Thasildar,
Kariyapatti Taluk,
Virudhunagar District.

2.The Firka Surveyor, (Survey Section),
Kambikudi Village,
Kariyapatti Taluk,
Virudhunagar District.

3.The Inspector of Police,
Kariyapatti Police Station,
Kariyapatti,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st and 2nd Respondents to survey and fix boundaries of petitioner patta land to an extent of 0.00.43 sq.mt. situated in (Plot No.37 in old Survey No.215/5B, New Survey No.348/52) and in Patta No.1022 at



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Kambikudi Village, Kariyapatti Taluk, Virudhunagar District and based on E-Challan No.20250317007133 dated 17.03.2025 submitted to the 1st Respondent and directing the 3rd respondent in it with police protection within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.P.Veerapandi

For Respondents 1&2 : Mr.M.Lingadurai

Special Government Pleader

For Respondent No.3 : Mr.S.Prakash

Government Advocate (Crl. side)

ORDER

Heard Mr.P.Veerapandi, learned Counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 & 2 and Mr.S.Prakash, learned Government Advocate [Crl. Side] appearing for the third respondent.

2.The petitioner seeks issuance of a Writ of Mandamus directing the first and second respondents to conduct survey and fix boundaries of the petitioner's patta property pertaining to Plot No.37 comprised in old Survey No.215/5B, New Survey No.348/52 at Kambikudi Village, Kariyapatti Taluk, Virudhunagar District. The petitioner has made an application on 17.03.2025 and he also seeks assistance of the third respondent police officials at the time of survey.



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3. Learned Special Government Pleader, on written instructions would submit that the petitioner is not entitled to survey, since his assignment is under cloud as the petitioner has obtained three different assignments as against the permissible one assignment for one family. He would further submit that proceedings are pending before the Revenue Divisional Officer, based on the report of the Tahsildar and therefore, without final orders passed by the Revenue Divisional Officer, the petitioner's application for survey cannot be concluded.

4. Learned Special Government Pleader would also contend that in respect of the said survey number sought to be surveyed in Survey No.348/52, one Thirukumar has already put up construction and residing there. However, such submission is refuted by the learned Counsel for the petitioner, saying that it is a vacant land.

5. In the light of the dispute and the pending proceedings before the Revenue Divisional Officer, without giving any positive direction for survey, the Writ Petition is disposed of, directing the first respondent to conduct an enquiry, hear the petitioner, after giving an opportunity to the petitioner to produce documents in support of his physical possession of the subject survey number and



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in the event of the petitioner being able to satisfy his entitlement for survey, the first respondent shall accordingly, dispose of the survey application of the petitioner. However, in the event of the first respondent finding that the petitioner is not in possession, then the first respondent is entitled to reject the application for survey. The said proceedings shall be conducted in a two phased manner. Firstly, enquiry shall be conducted and final orders passed within a period of eight [8] weeks from the date of receipt of a copy of this order and subject to positive finding in favour of the writ petitioner, warranting survey to be conducted, the same shall be done within a period of eight [8] weeks thereafter, in the presence of the police officials, after hearing all interested parties. There shall be no order as to costs.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

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P.B.BALAJI., J.

MR

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