



W.P.(MD)No.12376 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

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

W.P.(MD)No.12376 of 2025

K.Sivasurguru

: Petitioner

Vs.

1.The Collector,
Karur District.

2.The Assistant Director of Survey and Land Records,
Survey and Settlement Department,
Collectorate,
Karur – 639 007.

3.Taluk Head Surveyor,
Survey and Settlement Department,
Collectorate,
Karur – 639 007.

4.Tahsildar,
Kulithalai Taluk,
Karur – 639104.



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5. Inspector of Police,
Thogamalai Police Station,
Karur.

6.P.Vadivel

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the third and fourth respondents to survey and demarcate the boundaries by laying corner stones of the property situated in Karur District, Kulithalai Taluk, Thogamalai Village, Kaspas Thogamalai West Street (on the eastern side of Manapparai – Kulithalai Main Road) Old Natham Survey No.235/8 and new Natham Survey No.438/1 with old natham Patta No.1247 and new Natham Patta No.1099, measuring an extent of 1577 sq.ft. house site and also direct the 5th respondent to provide adequate protection for the same.

For Petitioner : Mr.B.E.Ashwin Someshwerar

For Respondents 1 to 4 : Mr.M.Lingadurai,
Special Government Pleader

For Respondent No.5 : Mr.S.Prakash,
Government Advocate [Crl. Side]



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ORDER

Heard the learned Counsel for the parties.

2.The petitioner has made an application for sub-division on 12.10.2022 and remitted the necessary charges. Thereafter, on 24.02.2023, the petitioner has also made an application for survey and necessary charges have also been paid. The grievance of the petitioner is that both these applications are kept pending without any action taken thereon. It is also contended by the petitioner that the sixth respondent is objecting to the survey and sub-division being carried out. Learned Counsel for the petitioner submits that though patta issued in the name of the petitioner's father is standing as a joint patta, the sixth respondent is not one of the joint pattathars and he is only an adjacent neighbour, who has no interest in the subject lands.

3.Considering the above and also in view of the fact that the prayer sought for in the Writ Petition is limited in nature, the Writ Petition is disposed of, directing the fourth respondent to conduct survey with the assistance of the Taluk Surveyor, namely third respondent in the presence of the fifth respondent police officials,



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after giving prior notice to the petitioner, the fifth respondent as well as the sixth respondent. In the event of any objections being raised by the sixth respondent, the fourth respondent shall consider the said objections and dispose of the same, before proceeding to conduct survey to dispose of the petitioner's application for subdivision as well as issuance of separate patta. It is needless to say that since patta is in the joint names, all the other pattathars shall be put on notice and enquired before orders are passed. The said exercise shall be completed within a period of sixteen [16] weeks from the date of receipt of a copy of this order. Under the guise of survey and fixing boundary stones, there shall be no dis-possession of possession of any of the parties. There shall be no order as to costs.

29.04.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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