



W.A(MD) No.1580 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.1580 of 2025

&

C.M.P.(MD)No.8929 of 2025

Geetha

... Appellant / 5th Respondent

Vs

1.T.Vanmathi

... 1st Respondent / Petitioner

**2.The District Collector,
Madurai District.**

**3.The Executive Officer,
O/o.T.Vadipatti Panchayat,
T.Vadipatti,
Madurai District.**

**4.The Tahsildar,
O/o.The Taluk Office,
T.Vadipatti,
Madurai District.**

**5.The Firka Surveyor,
Neerathan Firka,
Neerathan Village,
T.Vadipatti,
Madurai District.**

... Respondents / Respondents 1 to 4

1/6



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to allow the appeal and set aside the order of this Court made in W.P.(MD)No.5294 of 2025, dated 26.03.2025.

For Appellant : Mr.S.Suresh Kumar Isaac Paul

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R2, R4 & R5

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard the learned counsel for the appellant and the learned Additional Government Pleader for the official respondents.

2. The first respondent herein filed W.P.(MD)No.5294 of 2025 and obtained an order for conducting survey. The learned single Judge vide order dated 26.03.2025 disposed of the writ petition in the following terms:-

“5. The learned counsel for the fifth respondent would submit that even in the petitioner's sale deed, the boundary reflects that the petitioner's property adjoins a pathway, which is being used by the



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villagers. He would further submit that the property comprised in survey number 21/1A2 being used by the local villagers and the petitioner is now attempting to take advantage of the patta issued in his favour and put up fencing to prevent the local villagers from using the pathway. He would therefore, submit that the petitioner should not disturb the usage of the existing pathway, which is situated inside the petitioner's property.

6. The learned Special Government Pleader, Mr.M.Lingadurai, would submit that the revenue records stand mutated in the name of the petitioner and further, the boosthi path is situated only in survey No. 273/11 and not in survey No.21/1A2.

7. It is also brought to my notice that the pathway is lying in between two revenue villages namely, Neerathan village and Thadampatti village. It is seen that survey No. 273/11 is only in Thadampatti village and not in Neerathan village. Be that as it may, all these disputes between the petitioner and the villagers can be given a quietus if a proper survey is conducted, demarcating the petitioner's property, based on his sale deed and the revenue records. If the 5th respondent or the villagers are aggrieved by the survey and demarcation of boundaries and that too in view of the claim of easement that has been raised by the 5th respondent, it is always open to the 5th respondent or the other affected persons, claiming any easementary rights to approach the competent civil Court and redress their grievances, in accordance with law. It shall also be open for the authorities to initiate proceedings for acquiring the petitioner's land, in accordance with law. The survey shall be conducted within a period of four weeks from the date of receipt of a copy of this order. The fifth respondent shall also co-operate for survey.”

Challenging the same, this writ appeal has been filed.



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3. It is admitted that survey has already been conducted. The grievance of the appellant appears to be that if the pillar stones are laid, it would obstruct the movement through Nilaviyal / Bhoosthi Padhai. We make it clear that the object of survey is only to earmark the boundaries. Since the revenue records indicate the existence of the Nilaviyal Padhai, the use of the same by the villagers shall not be obstructed in any manner. The survey stones shall be placed without hindrance to the movement of the general public.

4. The Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
20.06.2025

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