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W.P.(MD)No.13725 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13725 of 2025

and

WMP(MD) Nos.9895, 9896 and 9898 of 2025

Palkani

... Petitioner

Vs.

1. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

2. The Taluk Surveyor,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

3. R.Chandra

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records on the file of the 1st respondent in the proceedings in Na.Ka.No. Aa5/453/2024 dated 16.04.2025 and quash the same as illegal.

For Petitioner :Mr. K.Jeyamohan

For Respondents :Mr.K.Balasubramani
Spl. Government Pleader for R1 & R2
Mr.K.K.Udayakumar
for Mr.M.Subbiah for R3



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ORDER

The petitioner asserts title to 1.26 acres of land in Survey No. 117/1B2A under settlement deed dated 28.02.2012 by tracing title to his great grandfather, Harichandra Nadar. On the basis that Survey No. 117/1B2L, which is sought to be surveyed by the third respondent herein, falls within and is probably subsumed by Survey No.117/1B2A, the petitioner has challenged a survey notice issued at the instance of the third respondent.

2. Learned counsel for the petitioner invited my attention to Patta No.2363 issued jointly in the names of several persons, including the petitioner and her brother Thavasi Kani. He submits that this patta relates to an aggregate extent of 1 hectare 58.70 ares. According to learned counsel, the third respondent claims title through a Trust called "Thoothukudi D.N.Subbaiyyar Educational Charitable Trust". He relies on the judgment of this court in S.A.(MD) No.78 of 2010, which was filed by the purchaser of an adjacent property. He points out that this court noticed that the sale deed executed by the above-mentioned trust did not provide a warranty on title and instead imposed the obligation on



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the purchaser to clear encumbrances. He also relies on an order of the Revenue Divisional Officer rejecting an appeal filed by the third respondent's vendor.

3. In response to these contentions, learned counsel for the third respondent submits that his request for survey is only in respect of land in Survey No.117/1B2L. By referring to the report of the Tahsildar, learned counsel points out that the Tahsildar had concluded that, without conducting a survey, it is not possible to determine whether the land in Survey No.117/1B2L falls within the land in Survey No.117/1B2A.

4. Upon considering the rival contentions, it appears that it is necessary to factually determine whether the land in Survey no.117/1B2L falls within the land in Survey No.117/1B2A partly or wholly. For this purpose, a survey is necessary. If it is determined on conducting such survey that the land falls partly or wholly within Survey No.117/1B2A, the boundary stones shall not be fixed and the party shall be relegated to the jurisdictional civil court. On the contrary, if it transpires that the land in Survey No.117/1B2L does not fall within Survey No.117/1B2A, boundaries shall be fixed demarcating the boundaries of both Survey



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Nos.117/1B2A and 117/1B2L. Since a joint patta has been issued in respect of Survey No.117/1B2A, notice shall be issued to all the pattadhars concerned. Any other adjacent land owners shall also be put on notice before undertaking this exercise. For the avoidance of doubt, it is made clear that the survey shall not be utilised for purposes of obtaining or disturbing possession. After issuing notice and providing a reasonable opportunity to all the parties indicated above, this exercise shall be concluded within a maximum time limit of three months from the date of receipt of a copy of this order.

5. This writ petition is disposed of on these terms without any order as to costs. Consequently, connected miscellaneous petitions are closed.

04.11.2025

NCC :No
Internet :Yes
Index :No
PKN



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To

1. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

2. The Taluk Surveyor,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.



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SENTHILKUMAR RAMAMOORTHY, J.

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