



W.P.(MD) No.14756 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.14756 of 2025

and

WMP(MD) No.11016 of 2025

Jeyarani

... Petitioner

Vs.

1.The Tahsildar,
Tisayanvilai Taluk,
Tirunelveli District.

2.The Taluk Head Surveyor,
Tisayanvilai Taluk,
Tirunelveli District.

3.Kodishvaran

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned notice issued by the second respondent dated 19.05.2025 and quash the same as illegal.

For Petitioner : Mr.R.Balakrishnan

For R1 & R2 : Mrs.K.Malathi
Additioanl Government Pleader



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For R3 : Mr.G.Sujeeth

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ORDER

This writ petition is filed challenging the notice issued by the second respondent, directing the petitioner to appear before him with necessary documents to substantiate his objections with regard to the survey of the property situated in Survey No.39/4A2, Vijayanarayanam part-II Village, Tisaiyanvilai Taluk, Tirunelveli District.

2.Heard the arguments of Mr.R.Balakrishnan learned counsel appearing for the petitioner, Mrs.K.Malathi, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.G.Sujeeth, learned counsel appearing for the third respondent.

3.It is seen from the affidavit filed in support of the writ petition and from the typed set of papers that the third respondent herein had filed a writ petition before this Court in WP(MD)No.7743 of 2024, seeking survey of the above mentioned property. The said writ petition was disposed of by this Court with following directions issued to the Official respondents:-



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3.The Writ Petition is disposed of with the following directions:-

(I) The petitioner is directed to submit his / her application in online mode. The survey authority will scrutinize if the application submitted by the petitioner is in order.

(II) The petitioner will have to enclose all the relevant documents such as patta. The applicant must have individual patta in his / her name. If he / she is having joint patta, co-pattadars must give their consent for conducting survey.

(III) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.

(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(V) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to



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obtain any injunction order, the survey can very well go on.

(VI) It is open to the parties to serve memo of instructions to the surveyor at the time of conducting survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.

(VII) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(VIII) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

(IX) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid.

(X) The survey authority will conclude the entire exercise one way or the other within a period of six weeks after service of notice on the interested persons.

(XI) A copy of the survey report along with



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sketch will be served on the parties. No costs.

4.A perusal of the order passed by this Court indicates that the official respondents were directed to issue notice to the writ petitioner therein, adjacent land owners and other interested parties and to take a call with regard to the survey of the property. It was also observed that during enquiry, if the official respondents found there was valid objections from any of the interested parties, the writ petitioner therein and other objectors shall be relegated to adjudicate their rights before the Civil Court.

5. Thereafter, the petitioner herein filed a writ petition challenging the notice issued by the first respondent for survey of the property, pursuant to the directions issued in the earlier writ petition. The said writ petition was disposed of by directing the petitioner to obtain an order of injunction against the private respondents in the pending suit, namely, O.S.No.110 of 2020, on the file of the District Munsif, Nanguneri. It is not in dispute that the petitioner has not obtained any interim order of injunction till date.



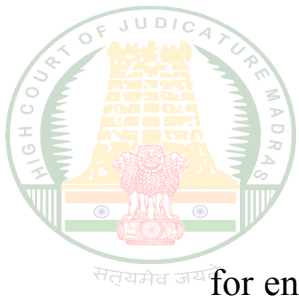
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6.After the expiry of the time limit fixed by this Court, the official respondents issued a notice and the same was challenged by the petitioner in WP(MD) No.27587 of 2024. The said writ petition was disposed of by directing the official respondents to consider the objection of the petitioner to the enquiry notice issued by them, as per the direction issued in the earlier writ petition in WP(MD) No.12047 of 2024. Subsequently, the impugned notice has been issued by the second respondent directing the petitioner to appear before the second respondent for an enquiry with documents to substantiate his objection for survey of the property.

7.In view of the directions issued by this Court in the earlier writ petition mentioned above, it is for the petitioner to appear before the second respondent for an enquiry along with documents to substantiate his objections to survey of the property. Therefore, this Court is not inclined to interfere with the impugned notice issued by the second respondent.

8.In view of the above, the first respondent is directed to fix a date



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for enquiry to consider the objections of the petitioner, within a period of two weeks from the date of receipt of a copy of this order. On the date fixed by the first respondent, both the petitioner and private respondents shall appear before the first respondent and put forth their case for consideration. The first respondent shall consider the objections raised by the petitioner and take a decision as per the directions issued in the earlier writ petition, within a further period of four weeks from the date of enquiry.

9. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.06.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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To

1. The Tahsildar,
Tisayanvilai Taluk,
Tirunelveli District.



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S.SOUNTCHAR,J

cp

2.The Taluk Head Surveyor,
Tisayanvilai Taluk,
Tirunelveli District.

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Dated: 16.06.2025