



W.A.(MD)No.2071 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2025

CORAM

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

**W.A.(MD)No.2071 of 2025
and
C.M.P.(MD)No.11839 of 2025**

1.Ramasamy @ Ariyanachi Ponnar

2.Kookkan

... Appellants

Vs.

1.Senthil

2.The Thasildhar,
Viralimalai Taluk,
Pudukkottai District.

3.The Taluk Surveyor,
Viralimalai Taluk,
Pudukkottai District.

4.The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.5990 of 2025 dated 06.03.2025 on the file of this Court.



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For Appellants : Mr.I.Suthakaran

For Respondents : Mr.P.M.Vishnuvaradhan for R1
Mr.N.Satheeshkumar for R2 & R3.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The first respondent herein (herein after referred as writ petitioner) filed W.P.(MD)No.5990 of 2025 for directing the revenue authorities to conduct survey and demarcate the petition mentioned property. The learned Single Judge vide order dated 06.03.2025 disposed of the writ petition in the following terms:-

“3.Considering the limited relief sought for by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 and 2 to demarcate and subdivide the petitioner's property, based on his application dated 18.10.2024. It shall be open to the respondents 1 and 2 to seek the assistance of the third respondent, in the event of their apprehending any breach of peace at the time of conducting survey. The said exercise shall be completed within a period of



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eight weeks from the date of receipt of a copy of this order. No costs.”

Aggrieved by the said order, this writ appeal has been filed.

3.The appellants were shown as the respondents 4 and 5 in this writ petition. But they were not put on notice before the order was passed.

4.The petition mentioned property originally stood in the name of one Adicka Gounder and three others. This was the position before UDR. Post UDR, the name of Adicka Gounder alone is mentioned. The appellants claim to be the sons of said Adicka Gounder. The vendors of the writ petitioner also claim that they are the legal heirs of Adicka Gounder. Thus, there is a serious dispute regarding identity of the original owner. We are of the view that this issue cannot be gone into during survey proceedings.

5.In this view of the matter, the order of the learned Single Judge is set aside and the writ appeal is allowed. The parties will have to



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establish their respective claims before the jurisdictional civil Court. No costs. Consequently, connected miscellaneous petition is closed.

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**(G.R.S. J.) & (K.R.S. J.)
06.08.2025**

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

- 1.The Thasildhar,
Viralimalai Taluk,
Pudukkottai District.
- 2.The Taluk Surveyor,
Viralimalai Taluk,
Pudukkottai District.
- 3.The Inspector of Police,
Viralimalai Police Station,
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