



W.P.(MD) No.17594 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.17594 of 2025

M.Karthikeyan

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Petitioner

Vs

1 The Tahsildar,
Vadipatti Taluk,
Madurai District.

2 The Taluk Surveyor,
Vadipatti Taluk,
Madurai District.

3 The Firka Surveyor,
Alagapuri Village,
Vadipatti Taluk,
Madurai District.

4 The Village Administrative Officer,
Alagapuri Village,
Vadipatti Taluk,
Madurai District.

5 M.Murugan

6 M.Baby

...

Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the (1 to 4) respondents to take necessary steps to Re-Survey and demarcate the 6th respondent namely Baby W/o. Murugan application in Survey No.309/2B in presence of the petitioner and retain the enjoyment of the 8 feet pathway that was used for more than 30 Years by the petitioner, his brother, and uncle and remove the fence of the pathway.

For Petitioner : Mr.C.Kannathasan

For Respondents 1 to 4 : Mr.D.S.Nedunchezian,
Govt. Advocate.

ORDER

The petitioner herein seeks a direction to the official respondents to conduct re-survey of the property of one Baby, sixth respondent herein, situated in Survey No.309/2B, in the presence of the petitioner, and remove the fence put up in the said survey number.

2. According to the petitioner, 7 cents of land in Survey No. 308/10B was allotted to petitioner's father – Manithevar in the partition entered in the family in 1960. Patta for the said property stands in the name of petitioner's father and petitioner has been in possession and enjoyment of



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the same. The adjacent property in Survey No.309/2B was surveyed by its owner - Baby without notice to the petitioner. Therefore, the petitioner submitted a representation to the official respondents to re-survey the subject property.

3. The petitioner has not claimed any right over the property situated in Survey No.309/2B. Even in the writ petitioner prayer, it has been mentioned that the property in Survey No.309/2B belongs to the above said Baby.

4. In these circumstances, this Court is not inclined to entertain the Writ Petition filed by the petitioner, seeking re-survey of the property, belonging to a third party. If it is the case of the petitioner that the private respondents are in possession of excess extent and they encroached any portion of petitioner's property by putting up a fence, it is for him to work out his remedy before the civil court. The petitioner cannot maintain the writ petition for removing the fence put up in the property of a third party.

5. Accordingly, the Writ Petition stands dismissed. No costs.

15.07.2025

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



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S.SOUNTHAR, J.

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