



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2025

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.18113 of 2025

Dhanalakshmi

...Petitioner

Vs

1. The Tahsildar,
Sivagangai.

2. The District Collector,
Sivagangai District.

3.E.M.Sudharsana Nachiyappan

4. Rani

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to conduct survey with the help of the Taluk Surveyor of the land bearing S. No.191/3, measuring 0.71.0 hectares (1.72 acres) in Kajirangal Group, Sivagangai Taluk and District and comprised in Patta No.4959 and fix the boundaries by considering the representations given by the petitioner dated 20.01.2025 and 03.03.2025.



For Petitioner : M/s.S.Selva Aditya for
M/s.C.Prabhu Rajadurai

For Respondents : Mr.K.R.Badurus Zaman
Government Advocate
for R1 and R2
Mr.AL.Vijay Devraj for R3 & R4

ORDER

The petitioner claims title to the property in S.No.191/3 of an extent of 1.72 acres by tracing title from one Sevuga Perumal. On the basis that the petitioner is the pattadhar under patta No.4959 in the name of the petitioner and her sister Dhanalakshmi, application for survey was made. Because such survey was not undertaken in spite of the lapse of several months, the present writ petition has been filed.

2. Learned counsel for the petitioner referred to the judgment and decree of the learned District Munsif, Sivagangai in O.S.No.66 of 1976 and pointed out that it was held categorically therein that the defendant Nachiappan had failed to establish that he was the son of Sevuga Perumal. Since the 3rd and 4th respondents claim title through Nachiappan, learned counsel for the petitioner submits that the said respondents are not entitled to any rights in relation to the relevant property. Learned counsel also points out that the judgment and decree in O.S.No.66 of 1976 attained finality because no appeal was filed therefrom.



3. Learned counsel for the 3rd and 4th respondents contends that the property was purchased under registered sale deed dated 31.03.1997 and thereafter settled in favour of the 4th respondent Trust represented by its trustee under registered settlement deed dated 22.02.2007. As regards the patta in favour of the petitioner, learned counsel contends that an appeal was filed and that the matter is pending before the District Revenue Officer in revision. He submits that these material facts have been suppressed. He also submits that the school is in occupation of the property and that the petitioner is endeavouring to disturb such possession.

4. Upon considering the above submissions of the rival parties, this writ petition is disposed of on the following terms:-

a)The first respondent is directed to conduct an inquiry in relation to the petitioner's request for survey after issuing notice to the petitioner, the private respondents and any other owners of relevant adjacent lands;

b)The objections, if any, of the private respondents and owners of other relevant lands shall be taken into consideration before a decision is made on the conduct of survey;

c)Upon conclusion of the inquiry, a speaking order shall be issued within three months from the date of receipt of a copy of this order;



d)If it is found that there is a credible dispute relating to title, the parties shall be relegated to the jurisdictional civil court;

e)If not, the Tahsildar shall proceed to conduct a survey not earlier than 4 weeks from the conclusion of the inquiry; and

f)In the guise of conducting a survey, no party shall be dispossessed and no party shall put up a fence or other structure. No costs.

05.11.2025

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



WEB COPY

To

1. The Tahsildar,
Sivagangai.
2. The District Collector,
Sivagangai District.



WEB COPY



SENTHILKUMAR RAMAMOORTHY, J.

RJR

W.P.(MD)No.18113 of 2025

05.11.2025