

W.P(MD)No.19610 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD)No.19610 of 2025

and

W.M.P.(MD)No.15062 of 2025

S.Karna

...Petitioner

Vs.

1.The Tahsildar,
Theni Taluk,
Theni Taluk Office,
Theni District – 625601.

2.The Firka Surveyor,
Theni Taluk,
Theni Taluk Office,
Theni District – 625601.

3.C.Ranjithkumar

... Respondents

PRAYER: Writ 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 second respondent in connection with the impugned survey notice issued by him in Proceeding No.Nil dated 08.07.2025 and quash the same as illegal and arbitrary.



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WEB COPY For Petitioner : Mr.G.Thalaimuthurasu

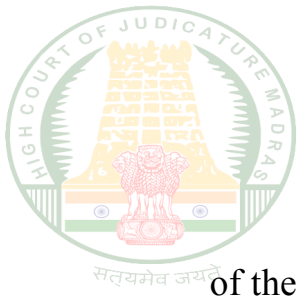
For Respondents : Mrs.K.Malathi
Additional Government Pleader for R1 & R2

ORDER

The Writ Petition is filed challenging the survey notice issued by the second respondent.

2. Heard the arguments of Mr.G.Thalaimuthurasu, learned counsel appearing for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader, who takes notice for the respondents 1 and 2. Since no adverse order is passed against private respondent, notice to him is dispensed with. By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he has got right over 27 cents in Survey No.1062/1A in Veerapandi Village, Theni District, under registered gift deed dated 26.11.2012 executed by the third respondent's father Chinnakamuthurai. The third respondent filed an application before the first respondent seeking cancellation of patta issued in favour



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of the petitioner based on the gift deed. The third respondent claimed that the gift deed executed by his father was subsequently cancelled. The first respondent rightly dismissed the claim of the third respondent. Aggrieved by the same, the third respondent preferred an appeal before the appellate authority / Revenue Divisional Officer and the same was also rejected. In the meantime, the petitioner instituted a civil suit in O.S.No.370 of 2022 on the file of the Sub Court, Theni seeking declaration that the cancellation deed relied on by the third respondent was null and void and other consequential relief. During the pendency of the suit, the third respondent filed an application before the respondents 1 and 2 seeking survey of the subject property and the same has been rejected by the first respondent. Aggrieved by the same, the third respondent filed a writ petition in W.P.(MD)No.29226 of 2024 and the said writ petition was allowed by directing the first respondent herein to conduct enquiry before taking a decision for survey of the subject property. However, the impugned survey notice has been issued without conducting any enquiry as directed by this Court in the earlier writ petition in W.P.(MD)No. 29226 of 2024. Hence, the petitioner has come before this Court.



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4. A perusal of the order passed by this Court in the earlier writ petition would indicate that the first respondent was directed to conduct enquiry by issuing notice to the interested parties. Reading of the impugned survey notice would suggest that the first respondent has not conducted any prior enquiry before issuing the survey notice. Therefore, the first respondent is directed to conduct enquiry as per the direction issued by this Court in W.P.(MD)No.29226 of 2024 by issuing notice to the petitioner, third respondent and other interested parties. The enquiry shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order and final decision regarding survey of the property shall be taken only after due enquiry as directed by this Court in the earlier writ petition.

5. With the above clarification, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

21.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

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To

1.The Tahsildar,
Theni Taluk,
Theni Taluk Office,
Theni District – 625601.

2.The Firka Surveyor,
Theni Taluk,
Theni Taluk Office,
Theni District – 625601.



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S.SOUNTHAR, J.

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Order made in
W.P.(MD)No.19610 of 2025
and
W.M.P.(MD)No.15062 of 2025

Dated : 21.07.2025