

W.P.(MD) No.20640 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.20640 of 2025

and

W.M.P(MD)No.15977 of 2025

K.Velliangiri

... Petitioner

Vs.

1.The Tahsildar,
Tahsildar Office,
Palani Taluk,
Dindigul District.

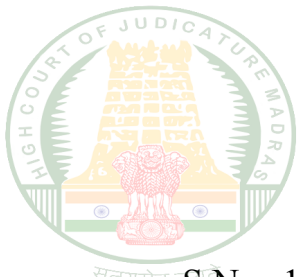
2.The Sub-Inspector,
Tahsildar Office,
Palani Taluk, Dindigul District.

3.The Head Surveyor,
Palani Taluk, Dindigul District.

4.M.Karthick

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records of the impugned survey notice issued by the second respondent herein in his proceedings in F.L.No.013315/24/6/25, dated 18.07.2025 with respect to



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S.Nos.1117/3A and 1117/3C2 in Ayyampulli Village, Palani Taluk, Dindigul District and quash the same as illegal.

For Petitioner : Mr.S.Vashik Ali,
for Mr.P.Samuel Gunasingh

For Respondents : Mr.M.Gangatharan,
Government Advocate, for R1 to R3.

: Mr.R.Tamilvanan, for R4.

ORDER

The Writ Petition is filed challenging the survey notice issued by the second respondent in his proceedings in F.L.No.013315/24/6/25, dated 18.07.2025 with respect to S.Nos.1117/3A and 1117/3C2 in Ayyampulli Village, Palani Taluk, Dindigul District.

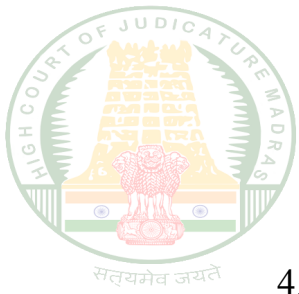
2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent 1 to 3. Mr.R.Tamilvanan, learned counsel appearing for the fourth respondent would submit that he filed vakalat for the fourth respondent today in USR.No.17270 of 2025. The said statement is recorded and he was also heard.



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3. According to the petitioner, he purchased the subject property under sale deed, dated 15.03.2017 from one Arumugam, who in turn purchased the same under registered sale deed, dated 28.06.1974. The petitioner's vendor Arumugam filed a suit in O.S.No.280 of 2017 on the file of the Additional Sub Court, Palani, to set aside the sale deed and declare that the sale deed in favour of the petitioner as null and void. The said suit was dismissed by the trial Court. Aggrieved by the same, the said Arumugam preferred the first appeal in A.S.No.27 of 2023 on the file of the Additional District Court (Fast Track) Palani. The first appellate Court reversed the finding of the trial Court and set aside the sale deed in favour of the petitioner, dated 15.03.2017. Challenging the said judgment and decree, the petitioner herein has preferred the second appeal before this Court in S.A(MD)No.57 of 2025. In the second appeal, notice was ordered to the respondents therein and interim order of Status Quo was also passed recording the averments of the petitioner asserting his possession over the subject property.



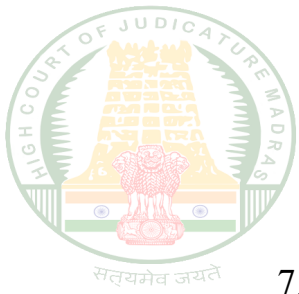
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4. In the meantime, the fourth respondent herein, who purchased the property from Arumugam filed a writ petition before this Court in W.P.(MD)No.19600 of 2025 seeking survey of the property. The said Writ Petition was disposed of by this Court directing the first respondent herein to consider the application submitted by the petitioner and pass final order within a period of ten weeks, after issuing notice to the fourth respondent, neighboring land owners and other interested parties.

5. The learned counsel for the petitioner vehemently contend that without conducting any enquiry as per order passed by this Court in W.P. (MD)No.19600 of 2025, the impugned notice for survey the property has been issued by the surveyor and therefore, the same is liable to be set aside.

6. The learned Government Advocate appearing for the respondents 1 to 3, on instructions, would submit that prior to the impugned survey notice, no enquiry was conducted by the official respondents as per direction issued in W.P.(MD)No.19600 of 2025.



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7. The learned counsel appearing for the fourth respondent would submit that the impugned notice has been issued by the second respondent only for the purpose of conducting enquiry and therefore, the same need not be interfered with.

8.A reading of the impugned notice would indicate that the second respondent fixed 30.07.2025 as date for conducting survey of the property and directed the noticee to be present in the subject property with necessary documents. Therefore, the contention raised by the learned counsel for the fourth respondent that the impugned notice is only an enquiry notice for considering the case of respective parties, cannot be accepted.

9. The second respondent already made up his mind to survey the property and therefore, he directed the concerned parties to be present in the subject property. Therefore, it is clear that the direction issued by this Court in W.P(MD)No.19600 of 2025 to conduct enquiry after affording reasonable opportunity to all the parties interested in the subject property has not been complied. Further, there is a serious title dispute between the petitioner and the fourth respondent vendor Arumugam and the same is



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pending in second appeal before this Court in S.A(MD)No.57 of 2025. The sale deed executed in favour of the petitioner by the said Arumugam has been set aside by the first appellate Court and the said judgment and decree is the subject matter of dispute in second appeal in S.A(MD)No.57 of 2025

10. In view of the serious dispute with regard to the title, this Court feels that it is proper for the parties to move an application in pending second appeal seeking survey of the property, if so advised.

11. In view of the same, the impugned notice issued by the second respondent is set aside and the matter is remitted back to the file of the second respondent to conduct enquiry as directed by this Court in W.P(MD)No.19600 of 2025 and take a decision within a period of 12 weeks from the date of receipt of copy of this order. It is also open to the petitioner as well as the fourth respondent to move appropriate application in the pending second appeal and seek necessary orders. If any order is passed in the said petition regarding survey of the subject property, it is needless to say the same is binding on the authorities.



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12. With these clarification, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

19.08.2025

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

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Palani Taluk,
Dindigul District.
- 2.The Sub-Inspector,
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S.SOUNTHAR,J.

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