



W.P(MD)NO.21204 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.21204 of 2025

and

W.M.P(MD)No.16369 of 2025

Kothandaraman

... Petitioner

.Vs.

1.TheTahsildar,
Vembakottai,
Virudhunagr District.

2.The Head Surveyor,
Vembakottai,
Virudhunagar District.

3.K.Sakkaraiyappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in Na.Ka.A1/659/2024, dated 17.7.2025, quash the same and consequently direct the first respondent not to survey the property in Old S.N.92/1, in New S.No.737/2, Lakshmipuram Village, T.Karisalkulam, Vembakottai, Viruhdunagar District.



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W.P(MD)NO.21204 of 2025

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mr.A.Baskaran
1 and 2 Addl.Govt.Pleader

ORDER

The Writ Petition is filed challenging the survey notice issued by the first respondent seeking survey of the property in Old S.N.92/1, in New S.No.737/2, Lakshmipuram Village, T.Karisalkulam, Vembakottai, Viruhdunagar District.

2.Mr.A.Baskaran, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.It is seen from the typed-set of papers that the third respondent filed a Writ Petition in W.P(MD)No.12873 of 2024 and obtained an order for survey of the property. The petitioner herein filed a Recall Petition in W.M.P(MD)No.18235 of 2024. After hearing the Petitioner, this Court passed the following order in the Recall Petition:

“ Order, dated 18.6.2024 made in W.P(MD)No.12873 of 2024 adequately protects the rights of the recall petitioner herein. It is seen



W.P(MD)NO.21204 of 2025

that he recall petitioner has given his objections and the Tahsildar, Vembakottai is yet to pass order. It is also seen that S.A(MD)No.373 of 2024 has already been filed by the recall petitioner herein. If in case, the Tahsildar over rules the objection of the recall Petitioner herein, he has to give breathing time to the Petitioner. If during the said time, the Petitioner is able to obtain interim order in the pending Second Appeal, survey cannot be conducted. Therefore the Petitioner can very well work out his remedies as per the direction given by this Court in W.P(MD)No12873 of 2024. Recall of the order is not warranted.

4. Thereafter the first respondent issued survey notice on 13.3.2022. The said order was challenged by the Petitioner before this Court in W.P(MD)No.11132 of 2025. The said Writ Petition was disposed of with a direction to the Petitioner to work out his remedy by moving proper Miscellaneous Petition in the pending civil litigation. In the said order, this Court also made it clear that the survey shall be conducted only after 16.6.2025 to enable the Petitioner to work out his remedy. Thereafter the impugned survey notice was issued by the first respondent seeking survey of the subject property.

5. This Court, in more than one occasion, clarified that the Petitioner had to work out his remedy by filing Miscellaneous Petition in the pending civil litigation. Till date, the Petitioner has not obtained any order by moving this Court in S.A(MD)No.373 of 2024. In these circumstances, the present writ Petition filed by the Petitioner challenging the survey notice issued by the first



W.P(MD)NO.21204 of 2025

respondent cannot be entertained.

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6.Accordingly, the writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed

01.08.2025

NCS : Yes/No

Index : Yes / No

Internet : Yes / No

vsn

To

1.TheTahsildar,
Vembakottai,
Virudhunagr District.

2.The Head Surveyor,
Vembakottai,
Virudhunagar District.



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W.P(MD)NO.21204 of 2025

S.SOUNTHAR.,J.

vsn

ORDER MADE IN

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and
W.M.P(MD)No.16369 of 2025



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W.P(MD)NO.21204 of 2025

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