



W.P.(MD) No.22550 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.22550 of 2025

P.Gurusamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Taluk Office,
Tenkasi.

2.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

3.Anitha Suresh

4.The Sub Registrar,
Registration Department,
No.4/192, Middle Street,
Kadayam, Tenkasi District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to survey the land in Survey No.1346 in Alwarkurichi Village-2, as per settlement deed dated 14.03.2007 and as per third respondent partition deed dated 19.08.2021, within a period by this Court.



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W.P.(MD) No.22550 of 2025

For Petitioner : Mr.K.Sekar
For R1 and R2 : Mrs.K.Malathi
Additional Government Pleader
For R4 : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents to survey the land situated in Survey No.1346, Alwarkurichi Village-2, based on the settlement deed dated 14.03.2007 in favour of the petitioner.

2.Heard the arguments of Mr.K.Sekar, learned counsel appearing for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.S.Kameswaran, learned Government Advocate appearing for the fourth respondent. Since no adverse order is passed against the third respondent, notice to the third respondent is dispensed with.

3.By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.



W.P.(MD) No.22550 of 2025

WEB COPY

4. According to the petitioner, his father, Paulsamy purchased 1 Acre 39 Cents of land in Survey No.1346 in Alwarkurichi Village-2, Tenkasi Taluk, Tenkasi District, under a registered sale deed dated 18.09.2006. Subsequently, he executed a settlement deed in favour of the petitioner on 14.03.2007 and the petitioner has been in possession and enjoyment of the property. The petitioner submitted an application on 17.10.2023, seeking subdivision and issuance of patta in his favour in respect of 1 Acre 39 cents settled in his favour by his father. The said application was rejected by the second respondent on the ground that the extent of the property mentioned in the settlement deed differs from the extent of property mentioned in FMB. Challenging the said order, the petitioner preferred an appeal before the first respondent on 12.06.2024. The same has not been considered till date. Therefore, the petitioner submitted a representation before the Official respondents on 19.08.2024, seeking survey of the subject property, based on the settlement deed. The same has not been considered. Hence, the petitioner has come before this Court.

5. The learned Additional Government Pleader appearing for the



W.P.(MD) No.22550 of 2025

WEB COPY

respondents 1 and 2 would submit that the petitioner's request for subdivision and issuance of patta has been rejected by the second respondent and the appeal filed by the petitioner before the first respondent is still pending. At this stage, the request of the petitioner for conducting survey cannot be entertained.

6.In view of the same, without expressing any opinion on the merits of the matter, the first respondent is directed to consider the appeal filed by the petitioner on 12.06.2024 and pass final orders on its own merits within a period of twelve weeks from the date of receipt of a copy of this order, after affording reasonable opportunity to the petitioner, third respondent and other interested parties. Accordingly, this Writ Petition is disposed of. No costs.

19.08.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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W.P.(MD) No.22550 of 2025

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- To
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S.SOUNTHAR,J

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