



W.P.(MD)No.22836 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.22836 of 2025

A.Christopher

... Petitioner

Vs.

1. The Tahsildar,
Melur Taluk,
Melur, Madurai District.

2. The Firka Surveyor,
Melur,
Madurai District.

3. S.Nallathambi

4. S.Sivarama Krishnan

5. S.Savithiri

... 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 petitioners property comprised in patta No.2467, S.No. 307/1B1, Kidaripatti Village, Melur Taluk, Madurai District in terms of survey Notice dated 16.05.2025.

For Petitioner :Mr.R.Murali



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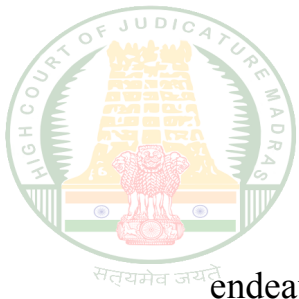
W.P.(MD)No.22836 of 2025

For Respondents :Mr.K.Balasubramani
Special Government Pleader for R1 & R2
Mr.A.D.Ganesamoorthi for R3 to R5

ORDER

One Balasubramanian had executed a registered power of attorney dated 17.01.2001 in favour of one Durai. Pursuant to powers conferred thereby, sale deed dated 09.02.2001 was executed in favour of A.Christopher. The said A.Christopher, in turn, executed power of attorney dated 10.07.2023 in favour of M.Jothi Vel. The present writ petition has been presented by the said agent seeking a survey of the land in Survey No.307/1B1, Kidaripatti Village.

2. Learned counsel for the petitioner submits that the above-mentioned Balasubramanian filed O.S.No.5 of 2012 seeking a declaration that the power of attorney was null and void. The said suit was dismissed by judgment and decree dated 31.01.2025. He also submits that a first appeal was filed against the said judgement and decree by respondents 3 to 5 herein and that the said first appeal is pending. After pointing out that the petitioner has both title document and patta in his favour, he submits that the third to fifth respondents are



W.P.(MD)No.22836 of 2025

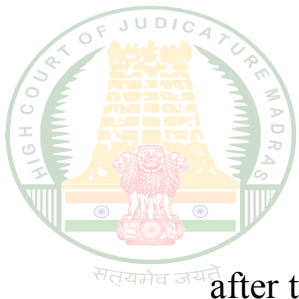
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endeavouring to impede the conduct of such survey.

3. Learned counsel for respondents 3 to 5 refutes these contentions. At the outset, he submits that, at the instance of an agent, this writ petition is not maintainable. In support of this contention, he relies upon the judgement of the Supreme Court in *G.Kalawathi Bai v. G.Shashikala*, Civil Appeal Nos.9497 to 9501 of 2025 (*Kalawathi Bai*). He points out that the first appeal is pending and that the title of the petitioner is in issue in the said first appeal.

4. Learned Special Government Pleader submits that the petitioner filed a suit in O.S.No.85 of 2025 and that an interim order in favour of the petitioner is in operation in I.A.No.3 of 2025 in the said suit. He also points out that the interim order has not been challenged as on date. Learned counsel for the private respondents points out that a civil miscellaneous appeal has been filed against the said order and that such appeal is pending.

5. The petitioner has placed on record registered sale deed dated 09.02.2001 covering the land in Survey No.307/1B1. About 11 years



W.P.(MD)No.22836 of 2025

WEB COPY

after the date of execution of such power of attorney, the record discloses that the executant of such power of attorney filed a suit for declaration that the power of attorney is not valid. The said suit was dismissed and an appeal has been lodged by the private respondents herein against the judgment and decree. Thus, the situation prevailing today is that both the title document and the revenue record are in favour of the petitioner. The judgment in *Kalawathi Bai* does not advance the case of the petitioner because the Supreme Court held therein that the executant of a document, as per Section 32(a) of the Registration Act, 1908, is the principal and not the agent. The said judgment does not conclude that an agent cannot prosecute a writ petition. Considering these facts and circumstances, I am of the view that the private respondents are not entitled to impede the conduct of the survey at this juncture.

6. The apprehension expressed by learned counsel for the private respondents is that the petitioner would erect a fence around the property and attempt to dispossess the private respondents. This contention is denied by learned counsel for the petitioner.



W.P.(MD)No.22836 of 2025

WEB COPY

7. In the above facts and circumstances, this writ petition is disposed of by directing the first and second respondents to conduct a survey of land in Survey No.307/1B1 by measuring the same and fixing boundary stones. It is needless to say that the first and second respondents should not take any steps to erect a fence, wall or the like around the property. This exercise shall be carried out within eight weeks from the date of receipt of a copy of this order. If necessary for this purpose, the revenue officials may seek the assistance of the jurisdictional police. No costs.

24.09.2025

NCC :No
Internet :Yes
Index :No
PKN

To
1. The Tahsildar,
Melur Taluk,
Melur, Madurai District.

2. The Firka Surveyor,
Melur,
Madurai District.



WEB COPY



W.P.(MD)No.22836 of 2025

SENTHILKUMAR RAMAMOORTHY, J.

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W.P.(MD)No.22836 of 2025

24.09.2025