



W.P.(MD)No.24252 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.(MD)No.24252 of 2024

Thangarasu

... Petitioner

vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Dindigul, Dindigul District.

3.The Tahsildar,
Dindigul West Taluk, Dindigul District.

4.G.Munusamy
5.M.Rukmani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents No.1 to 3 to survey property of the petitioner and their joint owners situated at Seelappadi Revenue Village, Dindigul West Taluk, Dindigul District in Survey Number 4/4 considering the petitioner's online representation dated 20.06.2024.



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W.P.(MD)No.24252 of 2024

For Petitioner :Mr.R.Sevugaraja
For R1 to R3 :Mr.B.Saravanan
Additional Government Pleader
For R4 and R5 :Mr.S.Sarvagan Prabhu

ORDER

The petitioner seeks for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to survey the petitioner's property comprised in S.No.4/4 at Seelappadi Revenue Village, Dindigul West Taluk, Dindigul District.

2.Heard Mr.R.Sevugaraja, learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader for the respondents 1 to 3 and Mr.S.Sarvagan Prabhu, learned Counsel for the respondents 4 and 5.

3.The petitioner has already made an online application on 20.06.2024 seeking survey of the aforesaid property. The petitioner claims under a Will, dated 19.04.1996 executed by Bommakkal. The said application for survey has not been acted upon, thereby, constraining the petitioner to approach this Court.

2/6



W.P.(MD)No.24252 of 2024

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4.Mr.B.Saravanan, learned Additional Government Pleader invites my attention to the joint patta in patta No.1412, dated 06.06.2024, standing in the names of 11 individuals and would therefore, submit that unless the other co-pattathars consent for survey, the authorities would not be in a position to act upon the petitioner's representation. Mr.B.Saravanan, learned Additional Government Pleader, on written instructions, would further submit that now the patta has been mutated in the name of 24 persons.

5.However, the learned Counsel for the petitioner would place reliance on the computerised joint patta, which is enclosed in the typed set of papers and he would submit that the written instruction appears to be typed instructions and there is no reference to the said Patta No.1412.

6.The learned Counsel for the respondents 4 and 5 would object to the survey claiming right over the lands in S.No.4/4.

7.However, the learned Counsel for the petitioner would submit that the respondents 4 and 5 had filed a civil suit claiming right against



W.P.(MD)No.24252 of 2024

the petitioner in O.S.No.423 of 2010. The said suit was dismissed and an appeal was preferred in A.S.No.91 of 2015, which was also dismissed on 20.12.2019 and therefore, the respondents 4 and 5 cannot have any objection to the survey being conducted in respect to the petitioner's land.

8.I have gone through the judgement and decree of the trial Court as well as the first appellate Court. The respondents 4 and 5 had filed a suit claiming partition and separate position. The trial Court disallowed the claim of the respondents 4 and 5 and dismissed the suit in respect of the very same property comprised in S.No.4/4. The first appeal preferred by respondents 4 and 5 has also been dismissed confirming the judgement and decree of the trial Court. Therefore, the respondent 4 and 5 cannot have any objections to the survey application made by the petitioner.

9.In view of the above, the Writ Petition is disposed of with a direction to the petitioner to get no objection certificate from the remaining 10 pattathars, whose names are reflected in the online Patta



W.P.(MD)No.24252 of 2024

No.1412 and on furnishing the no objection certificates by the petitioner from the remaining 10 pattasthars, the third respondent shall conduct a survey based on the petitioner's representation, dated 20.06.2024 after issuing notice to any other interested parties and shall conduct survey within a period of twelve weeks from the date of receipt of a copy of the no objection certificate filed by the petitioner. No costs.

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

03.03.2025

cmr

To

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W.P.(MD)No.24252 of 2024

P.B.BALAJI, J.

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W.P.(MD)No.24252 of 2024

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