



W.P(MD)NO.22880 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.08.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

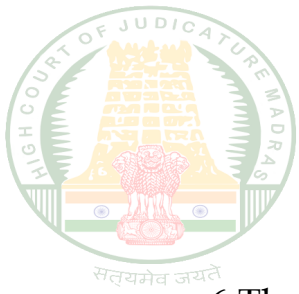
W.P(MD)No.22880 of 2025
and
W.M.P(MD)No.17955 of 2025

Lilly Jemi

... Petitioner

.Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
- 4.The Taluk Head Surveyor,
Radhapuram Taluk,
Tirunelveli District.
- 5.The Firka Surveyor,
Thiruvambalpuram Firka,
Radhapuram Taluk,
Tirunelveli District.



W.P(MD)NO.22880 of 2025

WEB COPY

6.The Village Administrative Officer,
Uthayathoor Village,
Radhapuram Taluk,
Tirunelveli District.

7.Jesuraj

8.Sahaya Carlo

9.Joseph Antony Ginish

10.Dinesh Kumar

11.Subh Reality(South Private Limited,
represented by its Power of Attorney.

12.Einstein

13.Bernard

14.Santanaraj ... 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 of the impugned survey notice issued by the fifth respondent herein and quash the same as illegal and arbitrary and consequently direct the respondents 3 to 6 to conduct the survey only in the light of the Civil Court order in I.A.No.2 of 2024 in O.S.No.66 of 2024 for appointing Survey Commissioner as passed by the learned Sub-Court, Vallioor and thereby survey the schedule properties comprised in S.F.No798A. 1A2B to an extent of 14 cents, S.F.No.798A/1C2D, to an extent of 1 acre 3.5 cents, S.F.No.798A/1F2F to an extent of 1 acre 9 cents, S.F.No.798A/1D to an extent of 15 cents, S.F.No.798A/1E2E to an



W.P(MD)NO.22880 of 2025

extent of 1 acre 5 cents, S.F.No.798A/2A1 to an extent of 1 acre , S.F.No.798A/4 to an extent of 35 cents and S.F.No.798A/3 to an extent of 44.5 cents at Uthayathoor Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : M/s.M.Laxmi Mahendra

For Respondents : Mrs.S.Jeya Priya
1 to 6 Govt. Advocate

ORDER

The Writ Petition is filed challenging the survey notice issued by the fifth respondent on the application filed by the 9th respondent seeking survey of the property situated in S.F.No798A. 1A2B to an extent of 14 cents, S.F.No.798A/1C2D, to an extent of 1 acre 3.5 cents, S.F.No.798A/1F2F to an extent of 1 acre 9 cents, S.F.No.798A/1D to an extent of 15 cents, S.F.No.798A/1E2E to an extent of 1 acre 5 cents, S.F.No.798A/2A1 to an extent of 1 acre , S.F.No.798A/4 to an extent of 35 cents and S.F.No.798A/3 to an extent of 44.5 cents at Uthayathoor Village, Radhapuram Taluk, Tirunelveli District.

2.Mrs.S,Jeya Priya, learned Government Advocate takes notice for the respondents 1 to 6. By consent of both parties,the Writ Petition is taken up for final disposal at the admission stage itself.



W.P(MD)NO.22880 of 2025

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4. The learned counsel for the Petitioner submits that the Civil Court had already appointed a Surveyor to survey the subject properties and therefore, the notice issued by the fifth respondent for survey of the subject properties independently on the basis of the application submitted by the 9th respondent is not sustainable in law.

5. Admittedly, the Petitioner filed a civil suit only against the fourteenth respondent and any survey of the property in the said civil suit will only bind the parties to the suit. The ninth respondent herein who is the applicant before the fifth respondent is not arrayed as a party in the civil suit in O.S.No.66 of 2024.

5. In such circumstances, merely because the Petitioner obtained an order for survey of the property in a civil suit



W.P(MD)NO.22880 of 2025

WEB COPY

involving 14th respondent, is not entitled to contend that the fifth respondent shall not be allowed to survey the property.

6.In view of the same, this Court is not inclined to grant the prayer as sought for in the Writ Petition. However, the Petitioner is directed to submit his objections to the survey to the fifth respondent. At this juncture, the learned counsel for the Petitioner submits that the objection of the Petitioner had already been submitted on 18.8.2024. Therefore the fifth respondent is directed to conduct an enquiry and consider the objection raised by the Petitioner and take a decision with regard to the survey of the property thereafter, on its own merits, within a period of six weeks from the date of receipt of a copy of this order. The fifth respondent shall give reasonable opportunity to the Petitioner, private respondents 7 to 14 including the 9th respondent, before taking a decision.

7.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

21.08.2025

NCS : Yes/No

5/8



W.P(MD)NO.22880 of 2025

Index : Yes / No

Internet : Yes / No

WEB COPY

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WEB COPY



W.P(MD)NO.22880 of 2025

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ORDER MADE IN

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WEB COPY



W.P(MD)NO.22880 of 2025

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