



W.P.(MD)No.22320 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

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THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.22320 of 2023

Thenararasu

: Petitioner

Vs.

1.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

2.The Taluk Surveyor,
Thirumayam Taluk,
Pudukkottai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to survey the lands belonging to the petitioner in S.Nos.146/1, 146/2, 146/4, 147/2, 148/1, 153/16, 153/7 situated at Pudunilaivayal Village, Thirumayam Taluk, Pudukkottai District based on the petitioner's online application dated 30.08.2023.

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.M.Lingadurai,

Special Government Pleader



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ORDER

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The petitioner seeks issuance of Writ of Mandamus to direct the respondents to conduct survey of the petitioner's lands.

2.The petitioner made an application on 30.08.2023, based on a registered settlement deed executed by the petitioner's sister on 05.07.2023. The patta has also been mutated in the name of the petitioner. Therefore, the respondents cannot have any difficulty in proceeding with the survey, based on the above documents and dispose of the petitioner's application dated 30.08.2023.

3.However, the learned Special Government Pleader would invite my attention to the order of this Court in W.P.(MD)No.22662 of 2021 as well as Contempt Petition in CONT.P(MD)No.961 of 2022 dated 14.07.2022, where the vendor of the petitioner's sister has earlier approached this Court for survey to be conducted and the Writ Petition was also allowed with a direction to examine the documents of the petitioner and if the petitioner was found to be in possession, after issuing notice to adjacent owners, survey was directed to be undertaken within a period of twelve [12] weeks. Alleging disobedience of the said order, the petitioner's sister's vendor approached this Court by way of Contempt and when the Contempt Petition was heard, it was brought to the notice of this



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Court that in respect of only five survey numbers, the petitioner therein was in effective occupation and survey was already conducted and boundaries were also demarcated in respect of the five survey numbers. As regards the other survey numbers, it is brought to the notice of this Court that third parties were in possession and buildings have also come up and therefore, in view of serious objections, survey could not be conducted.

4.Now the petitioner, after his sister purchased the land and settled it on the petitioner, requested for survey of the very same survey number. In view of the same, the petitioner has also made an application on 30.08.2023 and remitted the necessary charges and there may be no difficulty for conducting survey only in respect of the survey number which have already been surveyed. With regard to other survey numbers, the petitioner is at liberty to work out his remedy before the competent Civil Court.

5.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

26.03.2025

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



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To

1.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

2.The Taluk Surveyor,
Thirumayam Taluk,
Pudukkottai District.



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P.B.BALAJI., J.

MR

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