



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.09.2025

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.25794 of 2025

and

W.M.P(MD)Nos.20185, 20186 & 20188 of 2025

1.Thangam @ Ponnaiah

2.Veerachamy

...Petitioners

Vs

1.The District Collector,
The Collectorate Office,
Dindigul District.

2.The Tahsildar,
Natham Taluk,
Office of the Natham Taluk,
Dindigul District.

3.The Taluk Surveyor,
Office of the Natham Taluk,
Dindigul District.

4.Jeyaraman

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned enquiry summons issued by the 3rd respondent vide proceedings in FL/RTR signed on 09.09.2025 and quash the same as illegal and without jurisdiction and further direct the 2nd and 3rd respondents herein not to dispossess petitioner without following the due process of law.



WEB COPY



For Petitioners : Mr.V.Meenakshi Sundaram
for Mr.I.Velpradeep

For Respondents : Mr.K.R.Badurus Zaman
Government Advocate for R1 to R3
Mr.S.Vinayak for R4

ORDER

A survey notice dated 09.09.2025, is challenged in this writ petition.

2.The petitioners assert that they are in physical possession of the properties described in the affidavit in support of this writ petition. It is further stated that the predecessor in interest of the 4th respondent had filed O.S.No. 1167 of 1992 and had obtained a Judgment and Decree in relation to title and possession. The first appeal against the said Judgment and Decree was dismissed. The second appeal was rejected for non prosecution. The petitioner had filed WP(MD)No.7339 of 2022 challenging a similar survey notice issued at the instance of the predecessor in title of the 4th respondent. Initially, an order of interim stay was granted on 19.04.2022. Eventually, the writ petition was dismissed by order dated 06.01.2025 by directing the petitioner to work out his remedies in the pending O.S.No.44 of 2024.



WEB COPY

3.Learned counsel for the petitioner submits that the 12 year limitation period for enforcing the decree in O.S.No.1167 of 1992 has expired. As a consequence, he submits that rights have been created in favour of the petitioner by way of adverse possession. He also refers to the suit filed by the petitioner in O.S.No.44 of 2024 before the District Munsif cum Judicial Magistrate, Natham. By referring to the relief claimed therein, he points out that an interim application has been filed to prevent the conduct of the survey. In these circumstances, he submits that no survey should be conducted pursuant to the impugned survey notice.

4.The writ petition is opposed by Mr.S.Vinayak, learned counsel who accepts notice on behalf of the 4th respondent. He points out that the earlier writ petition filed against the predecessor in interest of the 4th respondent was dismissed by directing the petitioner to work out his remedy in the pending O.S.No.44 of 2024. Therefore, he contends that a similar relief cannot be prayed for against the successor in interest.

5.The record discloses that the suit filed by the predecessor in interest of the 4th respondent against the petitioner for declaration and delivery of



possession was decreed on 28.02.1997. The petitioner failed before the first appellate and second appellate courts. An earlier writ petition for the same relief against the predecessor in interest of the 4th respondent was dismissed by directing the petitioner to work out his remedies in the pending civil suit. The petitioner has not obtained any interim order as on date in the pending civil suit.

6. In these circumstances, I am not inclined to exercise discretionary jurisdiction in favour of the petitioner, especially against a survey notice. Consequently, this writ petition is disposed of. Since I.A.No.280 of 2024 in O.S.No.44 of 2024 is pending for a considerable period of time, the learned District Munsif cum Judicial Magistrate, Natham is directed to dispose of such petition as expeditiously as the business of the court would allow. It is made clear that this observation will not stand in the way of further proceedings pursuant to the survey notice. No costs. Consequently, connected writ miscellaneous petitions are also closed.

18.09.2025

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



WEB COPY



SENTHILKUMAR RAMAMOORTHY, J.

RJR

To

- 1.The District Collector,
Dindigul District,
The Collectorate Office,
Dindigul District.
- 2.The Tahsildar,
Natham Taluk,
Office of the Natham Taluk,
Dindigul District.
- 3.The Taluk Surveyor,
Office of the Natham Taluk,
Dindigul District.

W.P.(MD)No.25794 of 2025

18.09.2025