



W.P.(MD) No.28980 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.07.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.28980 of 2024
and W.M.P.(MD) No.24544 of 2024

Ramadurai

... Petitioner

Vs

1. The District Collector,
Tenkasi District,
Tenkasi.
2. The Revenue Divisional Officer,
Alankulam Taluk,
Tenkasi District.
3. The Tahsildhar,
Alankulam Taluk,
Tenkasi District.
4. The Taluk Surveyor,
Alankulam Taluk,
Tenkasi District.
5. The Block Development Officer,
Alankulam Panchayat Union,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 4th respondent to survey the petitioner's land in Old Survey No.565/1A and New



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Natham Survey No.1002/18 in Mayamankurichi Village, Alankulam Taluk, Tenkasi District and fix boundaries and to issue survey report to the petitioner and consequently forbear the 5th respondent from laying a road by encroaching the petitioner's land.

For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.M.Gangatharan,
Govt. Advocate for R1 to R4
Mr.B.Saravanan,
Addl. Govt. Pleader for R5

ORDER

The petitioner herein seeks a direction to the fourth respondent to survey the land situate in Old Survey No.565/1A and New Natham Survey No.1002/18 in Mayamankurichi Village, Alankulam Taluk, Tenkasi District and consequently forbear the fifth respondent from laying a road by encroaching the petitioner's property.

2. Heard the arguments of Mr.K.Navaneetharaja, learned counsel for the petitioner, Mr.M.Gangatharan, learned Government Advocate appearing for the respondents 1 to 4 and Mr.B.Saravanan, learned Additional Government Pleader appearing for the fifth respondent.



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3. According to the petitioner, the subject property was purchased by his mother from one Chinnasamy Thevar under a registered sale deed dated 05.07.1965. The petitioner's mother died on 06.10.1994. Therefore, the petitioner and his sister Baghavathi succeeded to the property. The petitioner's sister executed a release deed in favour of the petitioner on 07.07.2014 and thus, the petitioner had become absolute owner of the property. The petitioner submitted an application before the third respondent seeking survey of the property on 08.11.2021. In response to the application, the fourth respondent issued a survey notice fixing the date of survey as 01.11.2022. However, the survey has not been conducted. In the meantime, the 5th respondent attempted to lay road in the property belonged to the petitioner. Therefore, the petitioner is constrained to file this Writ Petition.

4. When the Writ Petition is taken up for hearing, the learned Additional Government Pleader appearing for the 5th respondent, based on a proceedings of the 5th respondent in Na.Ka.No.BDOALG/525/2024-B4, dated 28.11.2024, submits that the above mentioned proposal for laying road was dropped. The said statement made by the learned Additional Government Pleader is recorded. The learned Additional



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Government Pleader further submits that the subject property was surveyed in the presence of the petitioner on 19.11.2021. He has also produced the acknowledgment signed by the petitioner.

5. In view of the same, no further order is necessary in this Writ Petition. Accordingly, this Writ Petition is closed. However, if the petitioner is not satisfied with the survey conducted by the respondents, it is for him to seek resurvey by filing fresh application. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.07.2025

vsm

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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S.SOUNTHAR, J.

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