



W.P.(MD)No.30287 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.30287 of 2024

and

W.M.P(MD)Nos.25495 & 25496 of 2024

S.M.Jayaraj

.... Petitioner

/Vs./

1. The District Collector
Collectorate Campus, Dindigul,
Dindigul District.
2. The Revenue Divisional Officer
O/o. the Revenue Divisional Office,
Kodaikanal, Dindigul District.
3. The Thasildhar
Kodaikanal Taluk, Dindigul District.
4. K.S. Mohamed Riyaz
5. K.S. Anwar

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd Respondent by his proceedings



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in Na.Ka.No.2094/2023/S dated 29.05.2024 and quash the same as illegal and consequentially to direct 3rd Respondent to survey the Petitioner's land in Survey Nos. 1693/32 & 34 to an extent of 6 Acres situated at Villpatti village, Kodaikanal, Kodaikanal Taluk, Dindigul District within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Nawazkhan
for M/s.Ajmal Associates
For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner challenges the order of the third respondent dated 29.05.2024 rejecting the request of the writ petitioner for conducting survey of the property of the petitioner.

2. The case of the petitioner is that the petitioner is the owner of the lands in Survey No.1693/32 & 34 and based on the patta issued to the petitioner, the petitioner has sought for survey to be conducted. However, the said application has been rejected by the third respondent citing the pendency of the suit in O.S.No.15 of 2012, on the file of the Sub-Court, Palani (Camp at Kodaikanal) and also on the ground that



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there is no such subdivision in Survey No.1693/32 & 34 as projected by the petitioner.

3. The learned counsel for the petitioner take me through the suit in O.S.No.15 of 2012 and would contend that the said survey number in the suit is entirely different and pertains to survey No.1693/1 and 1693/1A and therefore, he would submit that the pendency of the suit with not in anyway impede the rights of the petitioner to seek survey to be conducted in respect of a totally different property as regards the non availability of subdivisions in the records of the official respondents.

4. The learned counsel for the petitioner would take me through the two computerized patta issued and also the Adangal extracts to evidence the fact that the revenue authorities have recognised the existence of survey numbers 1693/32 & 34.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that in Kodaikanal, there are several instances of such revenue records being mutated in respect of non



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existing lands and therefore, necessary enquiry would be conducted before passing further orders on the petitioner's application for survey.

6. In view of the above, the writ petition is allowed and the impugned order of the third respondent dated 29.05.2024 is set aside. The matter is remitted to the second respondent for considering the petitioner's application for survey based on the revenue records and also after carrying out physical inspection to ascertain the availability of lands physically and thereafter, shall pass final orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

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Order made in
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