



W.P.(MD)No.29864 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.29864 of 2024

K.Anthonyxavier

... Petitioner

Vs.

1. The Thasildar

Kalaiyarkovil Taluk,

Sivagangai District.

2.The Surveyor,

Tahsildar Office,

Kalaiyarkovil Taluk,

Sivagangai District.

3.A.Pandikannu

.... Respondents

(R3 impleaded by this Court vide order

dated 24.03.2025, in W.M.P.(MD)No.25663 of 2024)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey and fix boundaries in respect of the properties in patta No.2791 situated in Survey Nos.37/2A 37/5A totally to an extent of 0.72.50 hectares situated at Palkulam Village Palkulam Group, Kalaiyarkovil Taluk,



W.P.(MD)No.29864 of 2024

Kalayarkovil Sub Division, Sivagangai District, as per the provision contemplated under section 9 of the Tamil Nadu Survey and Boundaries Act on the basis of E-Challan dated 01.07.2024 within a stipulated time fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1&2

ORDER

The petitioner seeks for issuance of a writ of mandamus to direct the respondents 1 and 2 to survey and fix boundaries in respect of the properties in patta No.2791. The pattadhar, who has been opposing the survey is also impleaded as third respondent by order dated 24.03.2025, in W.M.P.(MD)No.25663 of 2024.

2. I have heard the learned counsel on either side

3. Considering the limited relief sought for by the petitioner, the writ petition is disposed of with a direction to the respondents 1 and 2 to conduct survey, based on the petitioner's application, dated 20.03.2024, after giving an opportunity to the third respondent. It appears that the



W.P.(MD)No.29864 of 2024

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only objection of the third respondent is that he has raised groundnut crop and therefore, he wants the authorities to survey, after he has harvested.

4. However, the learned counsel for the petitioner would submit that the very same reason was given by the 3rd respondent, even in the earlier attempt made for survey on 20.03.2024 and once again, the 3rd respondent is now objecting to survey citing the very same reason. The raising of groundnut crop in the adjoining lands cannot prohibit the survey authorities from conducting survey of the petitioner's property, which is covered by a separate patta and also registered sale deed dated 28.04.2011 and settlement deed executed by the father of the petitioner in his favour, dated 05.04.2019. Therefore, there can be no impediment for survey to be proceeded with. The respondents 1 and 2 shall fix a date for survey and shall issue advance intimation to the petitioner and the 3rd respondent and proceed to conduct survey and if necessary, the first respondent shall seek necessary police officials to prevent the breach of peace, at the time of survey.



W.P.(MD)No.29864 of 2024

WEB COPY

5. It is made clear that in the event of the third respondent once again requesting for postponing the survey on the ground of his raising any crops in his property, the said objection shall be overruled by the authorities and they shall proceed to conduct survey of the petitioner's property. The said exercise shall be concluded within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Index : Yes / No

NCC : Yes / No

LS

To

24.03.2025

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W.P.(MD)No.29864 of 2024

P.B. BALAJI, J.

LS

Order made in
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24.03.2025