



W.P(MD)No. 28345 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :10.11.2025

CORAM:

THE HONOURABLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No. 28345 of 2025

T.Thenmozhi

... Petitioner

Vs

1. The Tahsildar,
Taluk Office,
Peraiyur Taluk,
Madurai District.

2. The Firka Surveyor,
Ezhumalai Firka,
Peraiyur Taluk,
Madurai District.

3. P.Dharmar @ Oyannan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the first and second respondents to survey and demarcate the land measuring 23.5 cents purchased by the petitioner through Registered sale deed number 1048/2022 comprised in Patta No.1305, in Survey No.283/11 and in Survey No.284/1 situated in Uthapuram Village, Peraiyur Taluk, Madurai district based on the representation dated 19.08.2025 submitted to the second respondent within the time frame.



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For Petitioner : Mr. S.Somaselvakumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 & R2
Mr.O.Selvam for R3

ORDER

By relying on a sale deed dated 11.05.2022, joint patta No.1305 in the name of the third respondent and the petitioner and the subsequent order dated 25.07.2025 of the Tahsildar, the petitioner had applied for a survey of lands in Survey Nos.283/11 and 284/1. The present Writ Petition relates thereto.

2. Learned counsel for the petitioner referred to the joint patta in the petitioner's name and to the subsequent order of the Tasildar dated 25.07.2025 and contended that the Tahsildar accepted the request of the petitioner to subdivide survey Nos.283/11 and 284/1 and grant a separate patta to the petitioner. Therefore, he contends that the petitioner is entitled to a direction for the conduct of a survey.

3. The third respondent opposes the conduct of such survey.



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Learned counsel for the third respondent referred to an order dated 23.03.2023 of this Court in CrI.O.P.(MD) No.15746 of 2022 rejecting the request of the petitioner for police protection and also directing the petitioner to approach the revenue authorities or the civil court for partition of the property. Instead of approaching the civil court for partition, learned counsel contends that the petitioner has managed to obtain both a joint patta and an order for separate patta. Learned counsel contends that the petitioner's vendor, Rajaya, was not the sole owner of the property and that, therefore, the sale deed in favour of the petitioner is not valid. He relies upon the responses received by him from the Public Information Officer in this connection. Learned counsel also asserts that the third respondent has been in possession of the relevant lands for a considerable period of time.

4. The petitioner has placed on record the sale deed dated 11.05.2022 under which the petitioner purchased 40 cents in survey No. 283/11 and 7 cents in survey No.284/1. After mutation, joint patta No. 1305 was issued in the names of the third respondent and the petitioner. Thereafter, the Tahsildar issued an order dated 25.07.2025 accepting the



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request of the petitioner for grant of separate patta after subdivision. This order was issued subsequent to the order dated 23.03.2023 in CrI.O.P. (MD) No.15746 of 2022.

5. The third respondent has not challenged either the sale deed dated 11.05.2022 or order dated 25.07.2025 till date. Therefore, at this juncture, the petitioner is entitled to a direction for the conduct of a survey. Such survey, however, cannot be used for purposes of dispossessing the third respondent by erecting a fence or putting up a compound pursuant to the survey.

6. Subject to the above observations, this Writ Petition is disposed of by directing the first and second respondents to undertake a survey of lands in survey Nos.283/11 and 284/1 of an extent of 23.5 cents after issuing notice to the third respondent and to owners of other relevant adjacent lands and considering objections, if any, from them. The entire process shall be concluded within three (3) months from the date of receipt of a copy of this order. If necessary, the revenue officials may avail of the assistance of jurisdictional policy. This order will not stand in



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the way of the third respondent challenging the order dated 25.07.2025 in
accordance with law. No costs.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

10.11.2025

To

1. The Tahsildar,
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SENTHILKUMAR RAMAMOORTHY.,J.

apd

ORDER MADE IN

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