



W.P.(MD)No.36004 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.36004 of 2025
and
W.M.P.(MD)No.28599 of 2025

K.Noormohammad

... Petitioner

-VS-

1.The Tahsildar,
Taluk Office,
Karaikudi,
Sivagangai District.

2.The Taluk Head Surveyor,
Taluk Office,
Karaikudi,
Sivagangai District.

3.The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.

4.Ponbalakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry on the objection made by the petitioner dated 27.11.2025 within a time frame as may be stipulated by this Court.



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For Petitioner : Mr.R.Pon Karthikeyan
For R1 and R2 : Mr.N.Ramesh Arumugam
Government Advocate
For R3 : Mr.S.Prakash
Government Advocate (Criminal side)

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry on the objection made by the petitioner dated 27.11.2025, within a time frame as may be stipulated by this Court.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the fourth respondent, notice to the fourth respondent is hereby dispensed with.

4. The learned counsel for the petitioner submits that the petitioner and other co-sharers are in lawful possession of the subject property pursuant to an



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amicable partition among themselves. The petitioner subsequently came to know that certain third parties have created fraudulent documents in respect of the subject property, without any right, title, or possession, and such documents are *void ab initio* and not binding on the petitioner. While so, the petitioner came to know that the fourth respondent is attempting to survey the land without the knowledge or consent of the petitioner and other persons in possession.

5. It is submitted that the fourth respondent had earlier filed W.P.(Crl.) (MD)No.1770 of 2025 seeking police protection for survey, which was disposed of on 22.10.2025, wherein this Court did not issue any positive direction for survey, but merely observed that the official respondents may consider the request. Taking advantage of the said observation, the respondents 1 and 2 attempted to conduct a survey without issuing notice to the petitioner and other persons in possession. The petitioner immediately objected to the proposed survey, pointing out that the issue is purely civil in nature, involving disputed title and possession.



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6. The learned counsel further submits that under the Tamil Nadu Survey and Boundaries Act, the survey officer is mandatorily required to issue notice to all interested persons before conducting any survey, which has not been complied with in the present case. The survey process cannot be used as a means to dispossess a person in lawful possession, nor can possession be handed over to any third party under the guise of conducting a survey. The subject property is already well demarcated and fenced, and there is no boundary dispute warranting any survey. Therefore, the petitioner submitted a detailed objection dated 27.11.2025 to the respondents 1 to 3 requesting them not to proceed with the survey; however, the respondents 2 and 3 are taking coercive steps to conduct the survey, thereby threatening the petitioner's possession. If the private respondent claims any right over the property, the only remedy available is to approach the competent civil court to establish title and possession, and not to seek survey as a shortcut to take possession. Hence, the present Writ Petition.

7. The learned Government Advocate appearing for the respondents 1 and 2 submits that, pursuant to the objection made by the petitioner, an enquiry has already been conducted, which was concluded on 10.12.2025; therefore, nothing survives for further adjudication in the present Writ Petition.



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8. Recording the above submission, this Writ Petition stands disposed of.

There shall be no order as to costs. If the petitioner has any grievance regarding the enquiry conducted on 10.12.2025, he is at liberty to file an appeal. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

(K.SURENDER, J.)
16.12.2025

To:-

- 1.The Tahsildar,
Taluk Office,
Karaikudi,
Sivagangai District.
- 2.The Taluk Head Surveyor,
Taluk Office,
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- 3.The Inspector of Police,
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