



W.A(MD)No.71 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 25.02.2025**

**CORAM :**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU  
and  
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.71 of 2025  
and  
CMP(MD)Nos.383 and 384 of 2025**

Nagarathinam

... Appellant

vs.

1. L.S.Aravindkumar
2. The District Collector,  
Dindigul District,  
Dindigul.
3. The Tahsildar,  
Athoor Taluk,  
Dindigul District.
4. The Taluk Surveyor,  
Athoor Taluk,  
Dindigul District.

... Respondents

**PRAYER :** Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 24.10.2024 made in W.P(MD)No.25267 of 2024.



W.A(MD)No.71 of 2025

WEB COPY

For Appellant : Mr.C.Venkatesh Kumar for  
M/s.Ajmal Associates  
For R1 : Mr.A.R.Kannappan  
For R2 to R4 : Mr.M.Sarangan  
Additional Government Pleader

### JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order dated 24.10.2024 made in W.P(MD)No.25267 of 2024.

2. The facts leading to the filing of the writ appeal are as follows:

The 1<sup>st</sup> respondent / writ petitioner filed the above writ petition for a Mandamus to survey his properties comprised in S.Nos.350/2, 357/2, 358/1A, 359/2, 359/5 and 364/4 measuring a total extent of 20.07 Acres situate at Paraipatti Village, Athoor Taluk, Dindigul District in Patta Nos.2442 and 2443 and to demarcate the four boundaries and give a report by considering his applications. The Writ Court, finding that the applications of the writ petitioner to survey and sub-divide the



W.A(MD)No.71 of 2025

abovesaid property were not considered by the authorities, issued a

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*"4. Considering the request of the petitioner and also the fact that the petitioner has made his representations as early as on 13.09.2024, a mandamus is issued to the respondents to conduct survey and subdivision of the petition mentioned property. The petitioner shall submit all the relevant records to show his title to the property and the respondents shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order."*

3. Aggrieved by the said order, the appellant, who is a third party, after obtaining the leave of this Court, has filed the present appeal.



*W.A(MD)No.71 of 2025*

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4. Learned counsel for the appellant would contend that the 1<sup>st</sup> respondent suppressing the civil suit in O.S.No.397 of 2010 (Re-numbered as O.S.No.194 of 2019) on the file of the Principal District Munsif Court, Athoor, pending between the appellant along with others and the 1<sup>st</sup> respondent along with others, has obtained the order from the Writ Court, for surveying and sub-dividing the property in question. He would further state that since the appellant was not made as a party in the writ petition, she could not bring to the notice of the Writ Court about the pendency of the said suit. Thus, the learned counsel would pray for setting aside the order passed by the Writ Court.

5. Heard both sides.

6. Perusal of the plaint in O.S.No.397 of 2010 (Re-numbered as O.S.No.194 of 2019) enclosed in the typedset of papers shows that the appellant along with 8 others have sought for the relief of declaration, recovery of possession and permanent injunction in respect of the suit properties. Originally, the 1<sup>st</sup> respondent though was not added as a

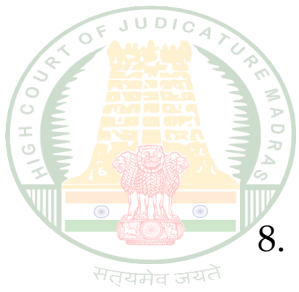


*W.A(MD)No.71 of 2025*

party in the suit, subsequently, he was impleaded as 8<sup>th</sup> defendant in the

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suit in the year 2011. The schedule of properties appended to the plaint includes the property in S.Nos.357/2, 358/1A and 359/5, which were stated to have purchased by the 1<sup>st</sup> respondent through a sale deed dated 28.07.2010. In the above suit, the plaintiffs also sought to declare the said sale deed dated 28.07.2010 as null and void.

7. Admittedly, no interim order has been passed in the suit. Therefore, as on date, the 1<sup>st</sup> respondent/writ petitioner is the owner of the property in S.Nos.350/2, 357/2, 358/1A, 359/2, 359/5 and 364/4, by virtue of the sale deed dated 28.07.2010. Merely because the 1<sup>st</sup> respondent suppressed the abovesaid suit and not added the appellant as a party in the writ petition, it cannot be said that the writ petitioner has to work out all the remedy in respect of his property only in the pending suit, especially when there is no interim injunction granted by the trial Court in respect of the property purchased by the 1<sup>st</sup> respondent. Therefore, the order of the Writ Court cannot be faulted.



*W.A(MD)No.71 of 2025*

8. However, the only grievance of the appellant is that no notice was given to her before surveying the property of the 1<sup>st</sup> respondent/writ petitioner and it is suffice if the appellant is put on notice and then the property of the writ petitioner is re-surveyed.

9. It is also admitted by the learned Additional Government Pleader appearing for the 3<sup>rd</sup> respondent/Tahsildar that without issuing notice to the appellant, the property of the writ petitioner was surveyed.

10. In view of the above submissions, the 3<sup>rd</sup> respondent/Tahsildar is directed to issue a notice to the appellant and then conduct re-survey of the property of the 1<sup>st</sup> respondent/writ petitioner as directed by the Writ Court. After considering the objections that have to be submitted by the respective parties to the survey report, and after affording an opportunity of hearing to the respective parties, the 3<sup>rd</sup> respondent shall pass appropriate orders on merits and in accordance with law. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this judgment.



*W.A(MD)No.71 of 2025*

**WEB COPY** 11. With the above directions, the Writ Appeal is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B, J.] [S.S.Y, J.]  
25.02.2025

Index : Yes / No  
Neutral Citation : Yes / No  
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To

1. The District Collector,  
Dindigul District,  
Dindigul.

2. The Tahsildar,  
Athoor Taluk,  
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3. The Taluk Surveyor,  
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*W.A(MD)No.71 of 2025*

**J.NISHA BANU, J.**  
**AND**  
**S.SRIMATHY, J.**

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**JUDGMENT MADE IN**  
**W.A(MD)No.71 of 2025**  
**DATED : 25.02.2025**