



W.P.(MD) No.347 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD) No.347 of 2026

and

W.M.P.(MD) Nos.344 & 346 of 2026

1.Veerasamy

2.Malar

3.K.Nallathambi

4.N.Rani

5.Moorthy

6.S.Kalyani

... Petitioners

Vs.

1.The District Revenue Officer,
Pudukkottai District.

2.The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.

3.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

4.The Taluk Surveyor,
Aranthangi Taluk,
Pudukkottai District.



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5.Anbu Selvi

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the third respondent in Na.Ka.No. 8693/2025/A3 dated 22.12.2025 and quash the same as arbitrary and illegal.

For Petitioners : Mr.R.Suriya Narayanan

For R1 to R4 : Mr.R.Ragavendran
Government Advocate

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the third respondent in Na.Ka.No.8693/2025/A3, dated 22.12.2025 and to quash the same as arbitrary and illegal.

2. With the consent of the parties, this Writ Petition is taken up for final disposal at the admission stage itself. Notice to the fifth respondent is dispensed with, since the impugned proceedings are contrary to the directions issued by the Hon'ble Division Bench of this Court in its order dated 14.12.2023 passed in W.A.(MD) No.255 of 2023.



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3. The petitioner is before this Court seeking to stall the survey that was scheduled to be conducted on 30.12.2026 and which has since been postponed for a period of fifteen days. The case of the petitioner is that the survey in question was sought to be conducted on the basis of the online application submitted by one Anbu Selvi, the fifth respondent herein, dated 13.11.2025.

4. The fifth respondent herein had earlier filed a Writ Petition in W.P.(MD) No.28327 of 2022 seeking a direction to survey the property and fix boundary stones based on her application dated 15.05.2022. By order dated 16.12.2022, this Court, in the said Writ Petition, directed the survey and demarcation of the property.

5. The petitioners, who were third parties to the said Writ Petition, aggrieved by the said order, filed a Writ Appeal in W.A.(MD) No.255 of 2023 questioning the direction issued by the learned Single Judge to conduct the survey. The Hon'ble Division Bench of this Court, by order dated 14.12.2023 in the said Writ Appeal, set aside the direction of the learned Single Judge to conduct the survey on the ground that since the parties had instituted a civil suit, they could file an interlocutory



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application in the pending suit for the appointment of an Advocate Commissioner to survey the subject property with the assistance of a qualified Surveyor in accordance with the procedure contemplated under the Code of Civil Procedure.

6. On perusal of the order dated 14.12.2023 passed by the Hon'ble Division Bench of this Court in W.A.(MD) No.255 of 2023 and the impugned proceedings dated 22.12.2025, this Court is of the view that since the survey was sought to be conducted pursuant to a fresh application filed by the fifth respondent dated 13.11.2025, the same cannot be conducted in view of the order of the Hon'ble Division Bench dated 14.12.2023 in W.A.(MD) No.255 of 2023. As directed by the Hon'ble Division Bench, the appropriate remedy lies in working out the same before the civil court. Without availing such remedy, the fifth respondent has filed a fresh application for survey, pursuant to which the impugned proceedings have been initiated by the third respondent. Therefore, the impugned proceedings dated 22.12.2025 are set aside. In view of the earlier decision of the Hon'ble Division Bench of this Court, as stated above, there is no necessity to issue notice to the fifth respondent.



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WEB COPY 7. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

[K.SURENDER, J.]
08.01.2026

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Index : Yes / No

Neutral Citation : Yes / No

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