



W.P.(MD)No.4349 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.4349 of 2026

M.Palaniyammal

... Petitioner

-VS-

1.The Tahsildar,
Trichy East,
Taluk Office,
Kottapattu, Trichy.

2.The Head Surveyor,
Ariyamanagalam Zone-2,
Trichy City Corporation,
TVS Tollgate,
Trichy District.

3.Sakra Properties Developers Private Limited,
No.13, A.B.S.A. Apartment, Second Floor,
7th Cross East, Thillai Nagar,
Tiruchirappalli-18,
Rep. by Manager, Mariya Curies Antony Jones.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Mu.Mu.No.3139/2025/A2 dated 14.01.2026, issued by the first respondent and quash the same as illegal and consequently, directing the



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second respondent to conduct survey of the petitioner's property within a stipulated period.

For Petitioner : Ms.N.Ratchaka

For R1 and R2 : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the first respondent, dated 14.01.2026, and consequently, to direct the second respondent to conduct survey of the petitioner's property, within the time frame to be fixed 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 third respondent, notice to the third respondent is hereby dispensed with.

4. The learned counsel for the petitioner submits that the petitioner is the absolute owner of the property comprised in Survey No.314/5A4P (T.S.No.52),



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having purchased the same under a registered sale deed dated 10.02.1983, and has been in continuous possession and enjoyment thereof ever since. Though a small extent was sold in the year 1985, the remaining property continues to be in her possession.

5. It is further submitted that the revenue records have not been mutated in her favour. Therefore, the petitioner submitted a representation dated 26.03.2025, seeking survey of the property and issuance of patta. As the same was not considered, she filed W.P.(MD)No.17038 of 2025, which was disposed of on 25.06.2025 with a direction to the second respondent herein to consider her request. Pursuant to the said direction, the second respondent conducted an enquiry in which a third party raised objections claiming right over the property. Solely based on such objections, without conducting the survey as sought for, the first respondent passed the impugned order in Mu.Mu.No.3139/2025/A2 dated 14.01.2026, refusing to conduct the survey.

6. The learned counsel for the petitioner submits that the refusal to conduct the survey merely on the basis of third-party objections is arbitrary, contrary to



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law, and unsustainable. It is further submitted that such refusal is also in violation of the guidelines laid down by this Court in **W.P.(MD)No.13465 of 2020**, dated **05.10.2020** [**Asaithambi vs. The Revenue Divisional Officer, Madurai and others**], wherein this Court observed that the pendency of litigation before Civil Courts is not a bar for the authorities to conduct survey or resurvey, in the absence of any stay order, interim order, or injunction restraining them from proceeding further. Pursuant to the said order of this Court, the Commissioner of Survey and Settlement, in his proceedings in Na.Ka.No.5/20403/2020 (Land Survey), dated 15.03.2021, issued specific guidelines in this regard.

7. The learned Special Government Pleader appearing for the respondents 1 and 2 submits that the impugned order dated 14.01.2026 was passed in accordance with law, based on objections raised by a third party claiming rights over the property. It is submitted that the respondents cannot ignore such objections, as they are required to ensure that no unauthorized or unlawful survey is conducted, which may adversely affect the rights of other parties.



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8. The learned Special Government Pleader further submits that the pendency of litigation involving the property before Civil Courts is relevant and must be taken into account before taking any further action, to avoid multiplicity of proceedings and conflicting claims.

9. The learned Special Government Pleader also contends that the petitioner has not exhausted available remedies under the revenue and civil law, and that the survey should not be conducted in the absence of resolution of competing claims, to prevent prejudice to the interests of other parties. It is therefore submitted that the impugned order refusing to conduct survey is justified, proper, and in accordance with law, and the Writ Petition filed by the petitioner deserves to be dismissed.

10. Heard the learned counsel appearing for the parties.

11. The petitioner is the absolute owner of the property comprised in Survey No.314/5A4P (T.S.No.52), having purchased the same under a registered sale deed dated 10.02.1983, and has been in continuous possession and



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enjoyment thereof. These facts establish a *prima facie* right to have the property surveyed. The impugned order refused to conduct the survey solely on the basis of objections raised by a third party, without examining the merits of the petitioner's ownership and possession. Such refusal is arbitrary, unreasonable, and contrary to law. There is no statutory bar preventing the authorities from conducting survey in the absence of any stay, interim order, or injunction from a competent Court.

12. This Court in **Asaithambi vs. The Revenue Divisional Officer, Madurai and others** [W.P.(MD)No.13465 of 2020, dated 05.10.2020], held that pendency of litigation does not preclude the authorities from conducting survey or resurvey in the absence of any stay or injunction. Pursuant to the said decision, the Commissioner of Survey and Settlement issued guidelines under Na.Ka.No. 5/20403/2020 (Land Survey), dated 15.03.2021, prescribing the procedure to be followed. The impugned order is contrary to these guidelines.

13. The respondents 1 and 2 are obligated to follow the procedure prescribed under the Tamil Nadu Survey and Boundaries Act, 1923, and the



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guidelines issued by the Commissioner of Survey and Settlement. Mere objections raised by third parties, without a stay or injunction, cannot justify refusal to conduct a survey of the property.

14. By refusing to conduct the survey, the impugned order has caused prejudice to the petitioner's lawful rights and has prevented mutation of the revenue records in her favour. The petitioner's entitlement to have the property surveyed and mutated cannot be defeated merely by unexamined objections.

15. In view of the above, the impugned order is arbitrary, illegal, and unsustainable. The survey must be conducted in accordance with law, following the procedure laid down under the Tamil Nadu Survey and Boundaries Act, 1923, and the guidelines issued by the Commissioner of Survey and Settlement, without being influenced solely by third-party objections, unless restrained by any competent Court.

16. In the light of the above observations, the impugned order dated 14.01.2026, is set aside. The respondents 1 and 2 are directed to conduct a survey



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of the property comprised in Survey No.314/5A4P (T.S.No.52) in accordance with the procedure prescribed under the Tamil Nadu Survey and Boundaries Act, 1923, and the guidelines issued by the Commissioner of Survey and Settlement in Na.Ka.No.5/20403/2020 (Land Survey), dated 15.03.2021. The respondents 1 and 2 shall complete the survey, without being influenced solely by third-party objections, unless restrained by any interim order or injunction passed by a competent Court. The respondents 1 and 2 are directed to complete the aforesaid exercise within a period of twelve weeks from the date of receipt of a copy of this order.

17. Accordingly, this Writ Petition stands allowed. No costs.

NCC : Yes / No
Index : Yes / No
smn2
To:-

(K.SURENDER, J.)
17.02.2026

1.The Tahsildar,
Trichy East,
Taluk Office,
Kottapattu, Trichy.



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