



W.P.(MD)No.4374 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.4374 of 2026

and

W.M.P.(MD)No.3632 of 2026

Arumugam

... Petitioner

-VS-

1.The Tasildhar,
Natham Taluk,
Natham, Dindigul District.

2.The Firka Surveyor,
Natham Taluk,
Natham, Dindigul District.

3.Kurinchinathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records in connection with the impugned order passed by the first respondent dated 06.02.2026 in Na.Ka.No. 3092/2025/S1 and quash the same as illegal.

For Petitioner : Mr.D.Anbarasu

For R1 and R2 : Mr.N.Ramesh Arumugam
Government Advocate



W.P.(MD)No.4374 of 2026

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ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorari, to quash the impugned order passed by the first respondent in Na.Ka.No. 3092/2025/S1, dated 06.02.2026.

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 property comprised in Survey No.252/7, measuring an extent of 22½ cents, situated at Samuthirapatti Village, Natham Taluk, Dindigul District, originally belonged to the petitioner's family members and others, and the same has been in continuous possession and enjoyment of the petitioner and his family members for several decades without any interruption.



W.P.(MD)No.4374 of 2026

WEB COPY

5. It is submitted that the petitioner and one Sekar constructed residential houses in the said property nearly 30 years ago and have been residing therein. The petitioner and other co-owners have also planted trees and have been regularly paying house tax, water tax and electricity charges to the concerned authorities. The petitioner came to know on 01.02.2025 that the third respondent had mortgaged the subject property to a private Finance Company after allegedly obtaining Patta fraudulently in respect of the petitioner's property and entering into several transactions. Immediately thereafter, the petitioner and others filed a civil suit in O.S.No.245 of 2025 on the file of the Principal Sub Court, Dindigul, seeking declaration and mandatory injunction. The third respondent entered appearance and filed written statement.

6. The learned counsel further submits that during pendency of the said suit, suppressing the pendency of the civil proceedings and without impleading the petitioner as a party, the third respondent filed W.P.(MD)No.4791 of 2025 before this Court and obtained an order dated 21.02.2025 for conducting survey. Pursuant to the said order, the second respondent passed an order dated 09.01.2026 to conduct survey without issuing notice to the petitioner or



W.P.(MD)No.4374 of 2026

conducting proper enquiry. The petitioner submitted a detailed representation on 06.01.2026 and subsequently, filed W.P.(MD)No.811 of 2026 seeking to restrain the respondents from conducting survey. This Court disposed of the said writ petition on 09.01.2026 with certain directions. Thereafter, despite the petitioner submitting detailed objections on 09.01.2026, the first respondent, without properly considering the objections and the pendency of the civil suit regarding title, rejected the petitioner's claim and passed the impugned order dated 06.02.2026. Hence, the present writ petition has been filed challenging the said order.

7. The learned Government Advocate appearing for the respondents 1 and 2 submits that the first respondent has acted strictly in accordance with the directions issued by this Court in W.P.(MD)No.4791 of 2025. It is contended that the proposed survey is only for the purpose of measuring and identifying the land as per revenue records and does not confer or determine title over the property.

8. The learned Government Advocate further submits that notice was issued to the concerned parties and that the petitioner was given opportunity to submit



W.P.(MD)No.4374 of 2026

objections. The objections were considered and the impugned order dated 06.02.2026 was passed in accordance with law.

9. It is further submitted that mere pendency of a civil suit will not bar the revenue authorities from conducting a survey, especially, when the same is pursuant to the directions of this Court. Therefore, the writ petition is liable to be dismissed.

10. Heard the learned counsel appearing for the parties.

11. Considering the rival submissions and the materials placed on record, this Court is of the view that conduct of survey by the revenue authorities, by itself, does not amount to adjudication of title. Accordingly, while upholding the authority of the respondents 1 and 2 to conduct survey in respect of Survey No. 252/7, this Court deems it fit and appropriate to issue the following directions:-

(i) The respondents 1 and 2 are directed to conduct the survey strictly in accordance with law, after issuing notice to all concerned parties and affording them an opportunity of participation.



W.P.(MD)No.4374 of 2026

WEB COPY

(ii) The respondents 1 and 2 shall ensure that the survey is confined only to measurement and demarcation as per revenue records and shall not demarcate on the basis of the title of the parties, which is the subject matter of O.S.No.245 of 2025 pending before the competent civil court.

(iii) It is made clear that under the garb of conducting survey, the respondents 1 and 2 shall not dispossess the petitioner or interfere with his peaceful possession, if any, except by due process of law.

12. With the above observations and directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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

(K.SURENDER, J.)
17.02.2026

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Natham Taluk,
Natham, Dindigul District.



W.P.(MD)No.4374 of 2026

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W.P.(MD)No.4374 of 2026

K.SURENDER, J.

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W.P.(MD)No.4374 of 2026

17.02.2026