



W.P.(MD)No.5165 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.5165 of 2026

R.Karthivel

... Petitioner

-VS-

1.The Thasildar,
Nilakkottai,
Dindigul District.

2.The Head Surveyor,
Nilakkottai Taluk,
Dindigul District.

3.The Firka Surveyor,
Nilakkottai Taluk,
Dindigul District.

4.G.Deivendran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the objection of the petitioner before conducting the survey in respect of land in Old S.No.3/1B, present S.F.No.3/14, situated in Kombaipatti Village, Nilakottai Taluk, Batlagundu, Dindigul District, based on the representation of the petitioner, dated 18.02.2026.



W.P.(MD)No.5165 of 2026

For Petitioner : Ms.R.Shunmathi Priya
For R1 to R3 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the objection of the petitioner before conducting the survey in respect of land in Old S.No.3/1B, present S.F.No.3/14, situated in Kombaipatti Village, Nilakottai Taluk, Batlagundu, Dindigul District, based on the representation of the petitioner, dated 18.02.2026.

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 fourth respondent, notice to the fourth respondent is hereby dispensed with.

4. The learned counsel for the petitioner submits that the petitioner is the lawful owner and is in possession of the subject property. The learned counsel further submits that the petitioner plotted out the property into 12 plots and



W.P.(MD)No.5165 of 2026

retained Plot No.1, to an extent of 4.22 cents, for himself, and sold the other plots.

He sold Plot No.2, to an extent of 3.48 cents, to the fourth respondent through a registered sale deed dated 24.10.2002, vide Document No.1639/2002. The fourth respondent attempted to put up a window and sunshade for the first floor, encroaching upon the petitioner's land. While so, the fourth respondent filed W.P. (MD)No.35756 of 2025 seeking a direction to survey the subject land. The petitioner filed his objection on 18.02.2026 stating that a survey cannot be conducted when there is a title dispute and an issue of encroachment, which require adjudication by a competent Civil Court. However, the respondents 1 to 3 have not considered the petitioner's objection and are proceeding with the survey. Hence, the present writ petition.

5. The learned Government Advocate appearing for the respondents 1 to 3 submits that the petitioner's representation / objection will be considered and appropriate orders will be passed before proceeding with any survey, on merits and in accordance with law.



W.P.(MD)No.5165 of 2026

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6. Recording the aforesaid submission, and without expressing any opinion on the merits of the matter, this Writ Petition is disposed of with a direction to the respondents 1 to 3 to consider the petitioner's representation / objection dated 18.02.2026 and pass appropriate orders before proceeding with any survey, on merits and in accordance with law, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order. The respondents 1 to 3 are directed to afford a reasonable opportunity of hearing to the petitioner, the fourth respondent and any other persons, who may be affected by such decision. Needless to state that, in the event of any rival claims, the parties are at liberty to work out their remedies before the competent Civil Court. There shall be no order as to costs.

NCC : Yes / No

Index : Yes / No

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Note:- Issue order copy on **24.02.2026**.

(K.SURENDER, J.)

24.02.2026

To:-

1.The Thasildar,
Nilakkottai,
Dindigul District.

Page 4 of 6



W.P.(MD)No.5165 of 2026

2.The Head Surveyor,
Nilakkottai Taluk,
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W.P.(MD)No.5165 of 2026

K.SURENDER, J.

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W.P.(MD)No.5165 of 2026

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