



W.P.(MD)No.7925 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.7925 of 2026

S.Indra

... Petitioner

Vs.

1. The District Collector,
Dindigul District.
2. The Municipal Commissioner,
Dindigul Municipal Corporation,
Dindigul District.
3. The Tahsildar,
Dindigul East Taluk,
Dindigul District.
4. The Taluk Head Surveyor,
Land Survey Department,
Dindigul East Taluk,
Dindigul District.
5. Town Sub Inspector of Survey,
Dindigul Municipal Corporation,
No.15/09, Trichy Road,
Dindigul – 624 001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 3 and 5 herein to survey and measure the petitioner's property comprised in Block No.53 Town Survey Number, Old T.S.No.38 and New T.S.56/2 to an extent of 56.2 Square Meter and New T.S.57/2 to an extent of 12.5 Square Meter, situated at Nagal Nagar, Bharathi Puram, Madhavan Street, Dindigul District and the petitioner's property on the basis of the petitioner's application dated 15.09.2025 within the time stipulated by this Court.

For Petitioner : Mr.M.Ajithkumar

For Respondents : Mr.SRA.Ramachandran
Additional Government Pleader
(R1, R3 and R4)

: Mr.J.Lawrance
Standing Counsel
(R2 & R5)

ORDER

This petition has been filed seeking to direct the respondents 3 and 5 herein to survey and measure the petitioner's property comprised in Block No.53 Town Survey Number, Old T.S.No.38 and New T.S.56/2 to an extent of 56.2 Square Meter and New T.S.57/2 to an extent of 12.5 Square Meter, situated at



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Nagal Nagar, Bharathi Puram, Madhavan Street, Dindigul District based on the representation of the petitioner dated 15.09.2025 within the time stipulated by this Court.

2. The learned counsel for the petitioner submitted that the petitioner's husband, V. Subramanian, was the owner of the property situated in Old T.S. No. 38, Nagal Nagar, Bharathi Puram, Madhavan Street, Dindigul District. During his lifetime, he filed an appeal in A.S. No. 90 of 1994 before the Principal Sub Court, Dindigul, which was allowed on 15.10.1997. Aggrieved by the same, one Pechiammal and Mohan preferred a Second Appeal in S.A. No. 1668 of 1998 before this Court, which came to be dismissed on 19.12.2013, thereby confirming the judgment in A.S. No. 90 of 1994. Thus, the civil litigation attained finality. While the matter stood thus, the petitioner's husband died intestate on 09.09.2019. Thereafter, the petitioner and her family members obtained a legal heir certificate and sought to have the property surveyed. However, the respondents failed to conduct the survey and measure the property. The petitioner submitted a representation dated 15.09.2025 to the second respondent. Subsequently, the fifth respondent issued a notice dated 18.09.2025 to the



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petitioner for conducting the survey; however, no survey was carried out. Further, it is submitted that the second respondent had earlier issued a survey notice dated 28.11.2025 in Na.Ka. No. F.L. No. 8735/2025/F2, but despite such notice, the respondents failed to survey the property. Hence, the present petition has been filed.

3. Heard the learned Additional Government Pleader appearing for the respondents 1, 3 and 4.

4. The learned Standing Counsel appearing for respondents 2 and 5 submitted that although the petitioner is the owner of the property, a third party is presently in possession of the same. Based on the notice issued, the second respondent attempted to survey the property; however, the survey could not be conducted due to the presence of the person in possession of the property at that time. It is evident from the judgment and decree rendered in A.S. No. 90 of 1994 that the petitioner is the rightful owner and, therefore, entitled to have the property surveyed.



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5. However, it is made clear that under the guise of conducting a survey, the petitioner shall not evict the person who is currently in occupation of the property. The petitioner must initiate appropriate legal proceedings and follow due process of law for eviction. Accordingly, the petitioner is restrained from evicting the occupant under the pretext of surveying the property but is directed to follow due process of law.

6. Considering the above facts, the Tahsildar is directed to conduct the survey of the property after issuing notice to the petitioner and the person in occupation. In the event that police protection is sought for conducting the survey, the jurisdictional police shall provide necessary assistance to ensure the survey is completed. The Court is also directing the official respondents to adhere to the following Standard Operating Procedures:

a. The Official respondents shall issue notice to the petitioner immediately reaching the spot where survey is to be conducted. The petitioner shall affix the signature by receiving the notice of survey.



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b. After survey again the petitioner shall affix signature indicating that the survey was conducted to their satisfaction.

c. If the petitioner is not satisfied, then also the petitioner shall affix signature indicating their dissatisfaction or with protest. The petitioner shall indicate that reason of their dissatisfaction or protest.

The aforesaid procedure shall be strictly followed by the parties. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

25.03.2026

Index : Yes / No
Internet : Yes
NCC : Yes / No
msrm



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6. The Additional Government Pleader,
Madurai Bench of Madras High Court,
Madurai



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S.SRIMATHY, J

msrm

**Order made in
W.P.(MD)No. 7925 of 2026**

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