



W.P(MD)No.8130 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2026

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.8130 of 2026

D.Ganasekaran

... Petitioner

Vs

1. The District Collector,
Tirunelveli.

2. The Thasildhar,
Palayamkottai,
Tirunelveli District.

3. The Head Surveyor,
Palayamkottai,
Tirunelveli District.

4. R.Shanmugasundaram

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for records relating to Impugned order passed by 2nd respondent vide Na.Ka.No.Aa8/479/2025 dated 04.06.2025 is illegal and quash the same and may consequently direct the respondents 2 and 3 herein to survey and demarcate the boundaries of petitioner's property in Sy.No. 214/1 to an extent of 1.47 Acres of land, situated in Sivanthipatti Village, Palayamkottai Taluk, Tirunelveli District, based on the petitioner's representation dated 10.03.2025 within stipulated time frame fixed by this Court.



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For Petitioner : Mr.K.P.Narayanakumar
For R-1 to R-3 : Mr.T.Amjadkhan
Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 04.06.2025 and consequently to direct the respondents 2 and 3 herein to survey and demarcate the boundaries of petitioner's property in Survey No. 214/1 to an extent of 1.47 Acres of land, situated in Sivanthipatti Village, Palayamkottai Taluk, Tirunelveli District based on the petitioners representation dated 10.03.2025.

2. Originally, the property in Survey No.214 to an extent of 2.94 acres belonged to one Ganakan Vathiyar. On 20.01.1943, the said Ganakan Vathiyar executed a sale deed in favour of one Palavasa Konar. Subsequently, the Palavasa Konar executed a sale deed in favour of Thangavel Thevar, conveying the western portion measuring 1.47 Acres out of the total extent 2.94 Acres, vide Document No.3295 of 1951, dated 19.09.1951. Thereafter, Survey No. 214 was subdivided by the revenue authorities. The said Thangavel Thevar executed a sale deed in favour of Rajamani vide Document No. 1516 of 1970 dated 22.06.1970. Subsequently, Rajamani executed a sale deed in favour of the petitioner's father,



Devadasan, on 25.10.1971 vide Document No. 2414 of 1971. The petitioner's father, Devadasan, in turn executed a settlement deed in favour of the petitioner on 11.12.2018 vide Document No. 6370 of 2018. Thereafter, the petitioner has been in possession and enjoyment of the property, and the revenue records have also been mutated in his name.

3. According to the petitioner, the fourth respondent interfered with his peaceful possession and attempted to encroach the property. When the petitioner attempted to fence the property, the fourth respondent obstructed the same. Hence, the petitioner submitted an application for survey and remitted the requisite fee. On 10.10.2022, the third respondent visited the site to conduct an enquiry. However, due to obstruction by the fourth respondent, the survey could not be completed.

4. The petitioner submitted an application on 10.10.2022, seeking to survey the property. After conducting an enquiry, the Revenue Divisional Officer passed an order dated 12.03.2024, wherein it has been stated as under:

“மேலும், மேற்படி திரு.சண்முகசுந்தரம் என்பவருக்கு 731/2 சென்ட் நிலம் புல எண்.214/3 மட்டுமே உள்ளது என்பதால் புல எண்.214/1-ல் பாத்தியமுள்ளதாகவும் கோருவது ஏற்படையதாக இல்லை. ஏனவே, புல எண்.214/2-ல் மேற்படியார் பட்டா மாறுதல் செய்ய ஆட்சேபித்த கோரிக்கையானது தள்ளுபடி செய்தும் ஆணையிடப்படுகிறது.”



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Subsequently, the petitioner again sought survey of the property, but the same was denied on the ground that a civil suit is pending. Aggrieved over the same, the present writ petition has been filed.

5. The contention of the petitioner is that the petitioner is entitled to the property based on the sale deed in Survey No.214/1 to an extent of 1.47 acres. However, the fourth respondent is claiming right over the property as adverse possession only for Survey No.215/1 and not for Survey No.214/1. Hence, the petitioner is seeking to survey his property in Survey No.214/1 alone.

6. In such circumstances, the reason in the impugned order stating that the suit is pending is incorrect since the suit is pending only for Survey No.215/1 and not for Survey No.214/1. Therefore, the second respondent is directed to conduct a survey with the assistance of the third respondent, after issuing notice to the petitioner as well as to the fourth respondent. If the second respondent requires any police protection, the same shall be provided by the jurisdictional police station. The petitioner is directed to submit a proper online application along with the requisite fee within a period of four weeks from the date of receipt of a copy of this order. On such submission, the second respondent shall conduct the survey as stated supra within a period of twelve weeks therefrom. It is made clear that the



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petitioner shall not evict any person from the said property without following due process of law. The official respondents shall adhere to the following Standard Operating Procedures:

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

7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

26.03.2026

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

jbr



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To:

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Tirunelveli.
2. The Thasildhar,
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Tirunelveli District.
3. The Head Surveyor,
Palayamkottai,
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S.SRIMATHY, J.

jbr

**ORDER MADE IN
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DATED : 26.03.2026