



W.P(MD)No.14758 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2026

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.14758 of 2026

and

W.M.P.(MD)No.11108 of 2026

S.Ponrajammal

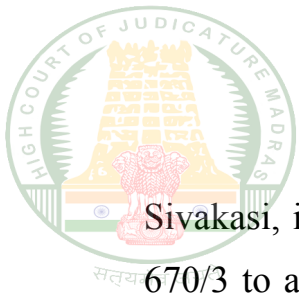
... Petitioner

Vs

1. The Tashildar,
Vembakkottai Taluk,
Vembakkottai,
Virudhunagar District.
2. The Taluk Surveyor,
Vembakkottai Taluk,
Vembakkottai,
Virudhunagar District.
3. The Inspector of Police,
Vembakkottai Police Station,
Vembakkottai,
Virudhunagar District.
4. Samuthiraraj K

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records in pursuance to the 2nd respondents impugned notice dated 20.05.2026, by considering the pendency of Civil Suit in O.S.No.48 of 2026 on the file of the Subordinate Judge,



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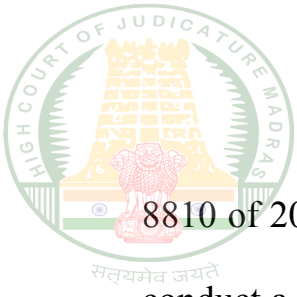
Sivakasi, in respect of property in Survey Nos.670/1 to an extent of 15 cents and 670/3 to an extent of 3 acres 4 cents is equal to total extents of 3 acres 19 cents situating at Appayanayackanpatti Village, Vembakottai Taluk, Virudhunagar District, and quash the same as devoid of merits.

For Petitioner : Mr.S.Selvakumar
For R-1 & R-2 : Mr.S.Siva Thilakar
Counsel for State of Tamil Nadu
For R-3 : Mr.V.Shathurthi Raja
Counsel for State of Tamil Nadu

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari, to quash the impugned notice dated 20.05.2026, by considering the pendency of Civil Suit in O.S.No.48 of 2026 on the file of the Subordinate Judge, Sivakasi, in respect of property comprised in Survey No.670/1 measuring 15 cents and Survey No.670/3 measuring 3 acres and 4 cents, aggregating to a total extent of 3 acres and 19 cents, situated at Appayanayackanpatti Village, Vembakottai Taluk, Virudhunagar District, as being devoid of merits.

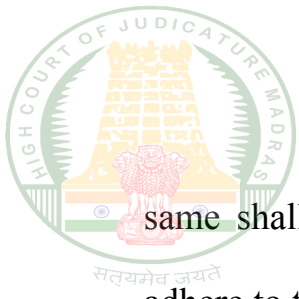
2. The petitioner has challenged the survey notice issued by the second respondent. It is seen that the fourth respondent had earlier filed W.P.(MD) No.



8810 of 2026. This Court, vide order dated 01.04.2026, directed the authorities to conduct a survey of the subject property. Pursuant to the said order, the impugned notice dated 20.05.2026 has been issued. Aggrieved over the same, the present writ petition has been filed.

3. The contention of the petitioner is that he is in possession and enjoyment of the property. Moreover, a suit has been filed by the petitioner in O.S.No.48 of 2026 on the file of learned Subordinate Judge, Sivakasi and the same is pending. According to the petitioner, the said fact was not brought to the notice of the Court while passing the earlier order dated 01.04.2026 in W.P.(MD) No.8810 of 2026. Based on the suppression of fact, the petitioner contends that the fourth respondent is not entitled to seek a direction to survey the property. Moreover, the fourth respondent, under the guise of conducting a survey is interfering with the petitioner's peaceful possession and enjoyment of the property.

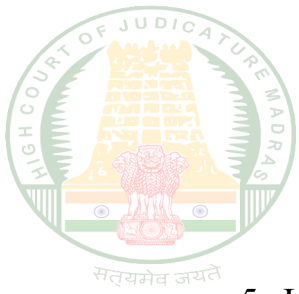
4. This Court is of the considered opinion that survey will not disentitle the petitioner's possession of the property. It is a settled proposition of law that under the guise of survey, the fourth respondent cannot evict any person from the property. Therefore, the first respondent is directed to conduct a survey with the assistance of the second respondent, after issuing notice to the petitioner as well as the fourth respondent. If the first respondent requires police protection, the



same shall be provided by the third respondent. 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. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the fourth respondent shall not evict the petitioner under the guise of survey. The fourth respondent shall not evict any person from the property without following the due process of law. Since the suit is pending between the petitioner and the fourth respondent, the title over the property shall be decided only by the competent Civil Court in the said proceedings. The rights of the parties shall be based on the final outcome of the said suit.



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5. In view of the above, this Court finds no ground to interfere with the impugned notice and accordingly, the same is not quashed.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.06.2026

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

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To:

1. The Tashildar,
Vembakkottai Taluk,
Vembakkottai,
Virudhunagar District.
2. The Taluk Surveyor,
Vembakkottai Taluk,
Vembakkottai,
Virudhunagar District.
3. The Inspector of Police,
Vembakkottai Police Station,
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S.SRIMATHY, J.

jbr

**ORDER MADE IN
W.P(MD)No.14758 of 2026**

DATED : 04.06.2026