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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-11-2026

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

AND

THE HON'BLE MR. JUSTICE K.K. RAMAKRISHNAN

WA(MD) No. 1636 of 2026

CNR:{HCMD011400342026}

Kannan @ Kannaperumal Raja

..Petitioner(s)

Vs

1. A.Pragalathan

2. The Tahsildar,
   Uthamapalayam Taluk,
   Uthamapalayam, Theni District.

3. The Taluk Surveyor,
   Uthamapalayam Taluk,
   Uthamapalayam, Theni District.

4. The Inspector of Police,
   Uthamapalayam Police Station,
   Uthamapalayam, Theni District.

..Respondent(s)

PRAYER: Writ Appeal filed under Clause 15 of Letters patent, against the order passed in W.P.(MD).No.24486 of 2026 dated 24.08.2026.

For Petitioner(s)	:Mr.M.Gnana Gurunathan for Mr.K.Samidurai
For Respondent(s)	:Mr.K.Guhan for R1 Mr.K.K.Udhayakumar, Government Advocate(Civil Side) for R2 & R3 Mr.J.Vishnu, Government Advocate(Crl.Side) for R4

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JUDGMENT

(Judgment of the Court was delivered by P. VELMURUGAN J.)

This writ appeal is filed against the order passed in W.P(MD)No.24486 of 2026 dated 24.08.2026.

2. The appellant herein was the 4th respondent in the said writ petition. The 1st respondent herein/writ petitioner filed the said writ petition for the following relief:

> *"To issue a Writ of Mandamus directing the respondents 1 and 2 to conduct and measure the survey with the help of the third respondent in the petitioner's land in S.No.249/1 and 249/2 to an extent of 8 cents and 35 cents situated at C.Pudupatti Village, Uthamapalayam Taluk, Theni District as per the sale deed bearing Document No.1132/2001 dated 10.09.2001 and Patta No. 1209 and 1219 as per the E-challan remitted on 27.07.2026 and fix the four boundaries and consider the petitioner's survey application within a time frame that may be stipulated by this Court."*

3. The learned Single Judge, without expressing any opinion on the merits of the matter, by impugned order, directed the 2nd respondent/Tahsildar to consider the writ petitioner's application dated 27.07.2026 and pass final orders on its own merits within a period of twelve weeks from the date of receipt of a copy of the order, after issuing

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notice to the 1st respondent/writ petitioner, appellant, co-pattadar in Patta No.1219 and 1209, neighboring land owners and other interested parties, if any. Against the said order, now the appellant has filed this appeal contending that suppressing certain material facts, the writ petitioner has obtained the order for survey and therefore, the said order is liable to be set aside.

4. The writ petition has been disposed of in the admission stage without issuing notice to the appellant. However, the learned Single Judge has not gone into the merits of the matter and without expressing any opinion on merits, a direction for survey has been given that too after issuing notice to the 1st respondent/writ petitioner, appellant/4th respondent in the writ petition who is also a co-pattadar of the subject lands and also the neigbouring lands as well as the interested parties. Thus, it is seen that the appellant as well as the interested parties have been given opportunity and they can very well place their objections before the authorities and the same can be considered before passing orders on the 1st respondent's application for survey. We do not find any infirmity in the order of the learned Single Judge warranting interference.

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5. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(P.V.,J.) (K.K.R.K.,J.)
02-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
bala

To

1. The Tahsildar,
   Uthamapalayam Taluk,
   Uthamapalayam, Theni District.

2. The Taluk Surveyor,
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AND
K.K.RAMAKRISHNAN, J.

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