



W.P.(MD)No.31186 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :25.02.2026

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THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.31186 of 2025

and

WMP (MD) No.24419 of 2025

Rajapandian

... Petitioner(s)

Vs.

1. The Tahsildar,
Eral Taluk,
Eral,
Thoothukudi District.

2. The Head Surveyor,
Department of Land Survey,
Eral Taluk,
Eral,
Thoothukudi District.

3. Kottalam

... Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first Respondent vide proceedings in Na.Ka.Oo.1/7371/2024 dated 12.09.2025 and quash the same as illegal and consequently to direct the respondents 1 and 2 to carry out the survey as per this Hon'ble High Court order in Writ Petition in W.P.(MD).No. 20565 of 2024 dated 29.08.2024.

For Petitioner :Mr. P.Ponraj



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For Respondents :Mr.R.Ragavendran
Government Advocate for R1 and R2

ORDER

Challenging the rejection order dated 12.09.2025 passed by the first respondent and consequently, to direct the respondents 1 and 2 to carry out the survey as per the order of this Court in W.P.(MD).No. 20565 of 2024 dated 29.08.2024, the present writ petition has been filed by the petitioner.

2.Heard the learned counsel for the parties and perused the available materials on record.

3. The case of the petitioner is that, pursuant to the order of this Court in W.P.(MD) No. 20565 of 2024 dated 29.08.2024, the first respondent considered the petitioner's representation and rejected the request to conduct a survey on the ground that civil litigation is pending before the Civil Court.

4. Relying upon the order of this Court dated 05.10.2020 made in W.P.(MD) No. 13465 of 2020, the learned counsel for the petitioner submitted that mere pendency of litigation before the Civil Court is not a



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bar for the authorities to conduct a survey, in the absence of any interim order restraining them from proceeding further. Accordingly, the learned counsel seeks the intervention of this Court to direct the authorities to conduct the survey.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. On perusal of the order dated 05.10.2020 relied on by the petitioner, this Court categorically observed that the cases relating to pending civil dispute necessarily to approach the appropriate forum for conducting survey or resurvey of the property in question by making necessary application and the same shall be considered by the appropriate forum in accordance with law.

7. At this stage, learned Government Advocate appearing for the respondents 1 and 2 submits that after considering the claims of all parties and recording their objections, proper steps would be taken to survey and demarcate the land in accordance with Sections 9 and 10 of the Tamil Nadu Land Survey and Boundaries Act, 1923.



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8. In view of the above, this Court directs the first respondent/Tahsildar to issue notice to the petitioner, the third respondent and the owners of relevant adjacent lands, receive and record their objections, and thereafter, appropriate orders shall be passed in accordance with Sections 9 and 10 of the Tamil Nadu Land Survey and Boundaries Act 1923, within a period of sixteen weeks from the date of receipt of a copy of this order. In the event of any rival claims, the same can be agitated before the competent civil court.

9. With the above directions, this writ petition stands disposed of.
No costs. Consequently, the connected miscellaneous petition is closed.

(K.SURENDER, J)
25.02.2026

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

1. The Tahsildar,
Eral Taluk,
Eral,
Thoothukudi District.

2. The Head Surveyor,
Department of Land Survey,
Eral Taluk,
Eral,
Thoothukudi District.



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