



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15-04-2026

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP(MD) NOS. 7239 and 7299 of 2026

and

WMP(MD)Nos.6002 and 5942 of 2026

1. A.Ravichandran

2. A.KANNAN

Petitioner(s)

Vs

1. The Land Commissioner
Land Administration
Chepauk, Chennai.

2. The District Revenue Officer
Madurai District, Madurai.

3. The Revenue Divisional Officer
Madurai North, Madurai.

4. The Tahsildar
Vadipatti Taluk
Vadipatti, Madurai.

5. KG Pandian Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order O.Mu.No.E2/371/2026 dated 06.03.2026 passed by the 4th



respondent and quash the same, and further direct the respondents 1 to 4 to refrain themselves from conducting survey and fixing boundaries in respect of Lands in S. Nos.193/4B, 160/1, 136/1A, 35/20B, 41/10B, 41/10A1, 136/1B, 100/1B, 41/10A, 133/5A, 133/6A and 133/7 in Kallanai Village, Alanganallur, Madurai District until disposal of the Statutory Appeal pending on the file of the 1st respondent / Land Commissioner, Chennai on the basis of the appeal submitted the petitioners dated 16.02.2026.

WP(MD) NO. 7299 of 2026

A. Dhanam

Petitioner(s)

Vs

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Vadipatti, Madurai.

5.KG Pandian

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order O.Mu.No.E2/371/2026 dated 06.03.2026 passed by the 4th



respondent and quash the same, and further direct the respondents 1 to 4 to refrain themselves from conducting survey and fixing boundaries in respect of Lands in S. Nos.193/4B, 160/1, 136/1A, 35/20B, 41/10B, 41/10A1, 136/1B, 100/1B, 41/10A, 133/5A, 133/6A and 133/7 in Kallanai Village, Alanganallur, Madurai District until disposal of the Statutory Appeal pending on the file of the 1st respondent / Land Commissioner, Chennai on the basis of the appeal submitted the petitioners dated 16.02.2026.

In both cases:

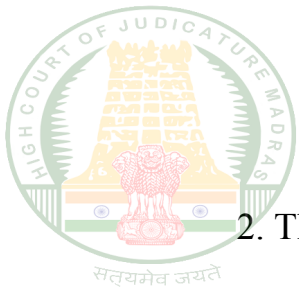
For Petitioner(s): Mr.G.Prabhu Rajadurai for Mr.T.Indrachithu

For Respondent(s): M/s.S.Jeya Priya, Government Advocate for R1 to R4

Mr.Sankaranarayanan, Senior Advocate
for Mr.V.Malaiyendran For R5

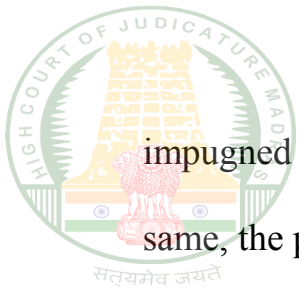
COMMON ORDER

The present Writ Petitions have been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order O.Mu.No.E2/371/2026 dated 06.03.2026 passed by the 4th respondent and further, to direct the respondents 1 to 4 to refrain themselves from conducting survey and fixing boundaries until disposal of the Statutory Appeal pending on the file of the 1st respondent / Land Commissioner, Chennai, on the basis of the appeal submitted the petitioners dated 16.02.2026.



2. The impugned order, dated 06.03.2026 had directed the surveyor to survey and fix four boundaries of the property. Further the order states that it is based on the order passed in WP.Crl(MD) No.76 of 2025, wherein this Court directed the Tahsildar, Vadipatti, to survey and demarcate the boundary stone with the assistance of the surveyor.

3. The contention of the petitioners are that the petitioners are claiming ownership of the property in S.Nos.193/4B, 160/1, 136/1A, 35/20B, 41/10B, 41/10A1, 136/1B, 100/1B, 41/10A, 133/5A, 133/6A and 133/7 stating that they inherited the property from the petitioners' father. Subsequently, the petitioners had sold the property to the 5th respondent through sale deed in Doc.Nos.442, 443, 444 of 2020. Thereafter, there are several disputes between the parties and several writ petitions were filed and also a suit in O.S.No.35 of 2024 on the file of the IV Additional District Court, Madurai, for declaration that the sale deed as sham and nominal and mandatory injunction. The further contention of the petitioners is that the sale was executed without proper sale consideration hence, the same is sham and nominal. Pending suit, the 5th respondent based on the sale deed sought for surveying the property. Based on the application submitted by the 5th respondent and based on the order dated 24.06.2025 passed in WP.Crl(MD) No.76 of 2025, the present



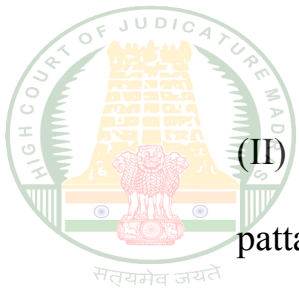
impugned order was passed to survey and demarcate the property. Aggrieved over the same, the present writ petitions are filed.

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4. After hearing the rival submissions, this Court is of the considered opinion that the survey can be claimed by any person who is having title to the property. However, under the guise of survey, dispossessing the property is not permitted. It is held in several cases that the person who is in possession of the property is entitled to notice and due process of law for evicting them from the property. Therefore, the impugned order is sustained and the 4th respondent is directed to issue a notice to the petitioners as well as to the 5th respondent. The Tahsildar is strictly directed to give three days prior notice before surveying the property and thereafter, conduct the survey. If police protection is needed, the Tahsildar is at liberty to seek police protection.

5. This Court is of the considered opinion that the following conditions shall be followed during the survey:

(I) The survey authority shall scrutinize the application submitted by the petitioners is in order.



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(II) The petitioners are directed to enclose all the relevant documents such as patta. The applicant shall have individual patta in his / her name. If he / she is having joint patta, co-pattadars may be issued notice before surveying the property.

(III) The survey authority shall issue notice to the writ petitioners as well as the adjacent land owners and also to the interested persons, if any.

(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

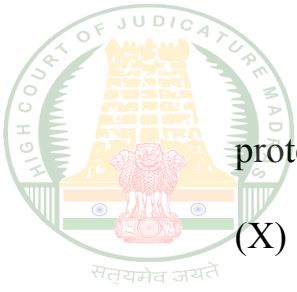
(V) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly.

(VI) But the survey shall be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey shall go on.

(VII) It is open to the parties to serve memo of instructions to the surveyor at the time of conducting survey. The surveyor shall consider the same.

(VIII) If the jurisdictional authority finds valid objections, then he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(IX) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police



protection.

(X) It is made clear that at the end of the survey, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up any fencing.

(XI) The survey authority shall conclude the entire exercise one way or the other within a period of six weeks from the date of service of notice on the interested persons.

(XII) A copy of the survey report along with sketch will be served on the parties.

6. Therefore, the parties are expected not to violate any of the above conditions and observations stated supra and maintain law and order. The parties shall adhere to the judgment that would be rendered in this suit. The Trial Court is requested to complete the suit on or before December 2026.



7. With the above observations, this Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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15-04-2026

TMG

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