



W.P.No.19852 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.19852 of 2025 and W.M.P. No.22384 of 2025

Mageshwari

Petitioner

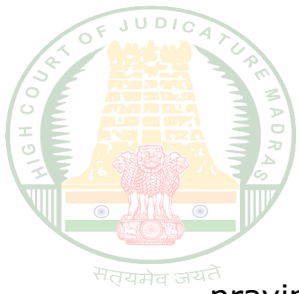
vs.

1. The District Collector
Dharmapuri District
2. The Revenue Divisional Officer
Harur
Dharmapuri District
3. The Tahsildar
Pappireddipatti
Dharmapuri District
4. The Taluk Surveyor
Pappireddipatti
Dharmapuri District
5. The Revenue Inspector
Pappireddipatti
Dharmapuri District
6. The Village Administrative Officer
Irulapatti
Pappireddipatti Taluk
Dharmapuri District

7. Karthik

Respondents

Page Nos.1/8



W.P.No.19852 of 2025

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records of the third respondent in Na.Ka.281/2024/B2 dated 04.04.2025 and to quash the same.

For petitioner	Ms. R. Geethalakshmi
For RR 1 to 6	Mr. M.S. Arasakumar
	Government Advocate

ORDER

[made by M.SUNDAR, J.]

Captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a prayer for issue of a writ of certiorari *qua* a memorandum (kurippaanai) dated 04.04.2025 bearing reference Na.Ka.281/2024/B2 (hereinafter 'impugned memorandum' for the sake of convenience and clarity).

2. Subject matter of impugned memorandum pertains to 'lands comprised in Survey Nos.224/2, 223/2, 222/2 and 226/2, Paappambaadi Village, Pappireddipatti Sub Taluk, Pappireddipatti Taluk, Dharmapuri District' (hereinafter 'said lands' for the sake of convenience and clarity). In and *vide* the impugned memorandum, R3 (Tahsildar) has put the noticees (including writ petitioner) on notice stating that the said lands would be measured and surveyed.



W.P.No.19852 of 2025

WEB COPY

3. Adverting to the impugned memorandum, Ms.R.Geethalakshmi, learned counsel for writ petitioner, submits that the writ petitioner has already filed a suit in O.S.No.160 of 2022 on the file of the District Munsif Court, Pappireddipatti (to be noted, writ petitioner is the first plaintiff and the suit has been filed along with four others arraying them as co-plaintiffs) with a prayer for declaration *qua* said lands *i.e.*, declaration that the plaintiffs are in possession of said lands for a long time, besides injunction, costs and the usual residuary prayer.

4. Learned counsel pointed out that in the aforereferred suit, an Advocate Commissioner was appointed *vide* I.A.No.858 of 2022 and the Advocate Commissioner, after making local inspection, has filed a report dated 19.04.2023 and the writ petitioner has filed objections to the same. In such a scenario, the impugned memorandum cannot be proceeded with, is learned counsel's say.

5. Issue notice to official respondents (RR 1 to 6).



W.P.No.19852 of 2025

WEB COPY

6. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for official respondents (RR 1 to 6) and submits, on instructions, that said lands are Government lands. To buttress this submission, learned State counsel drew our attention to the plaint averment *i.e.*, averment in paragraph 3 of the plaint wherein the plaintiffs (to be noted, writ petitioner is the first plaintiff in the suit, as already alluded to *supra*) have made a clear and emphatic assertion that said lands are Government lands.

7. Therefore, we are of the view that there is no harm in the jurisdictional Tahsildar, *i.e.*, R3 measuring and surveying the said lands. However, we make it clear that the report of the R3 has to be filed in the aforefererred Civil Court and the Civil Court shall examine the report also as part of the trial on its own merits and in accordance with law (untrammelled by instant order).

8. Reverting to the impugned memorandum, we find that the impugned memorandum has fixed the date for measurement and survey as 22.04.2025. On instructions, learned State counsel submits



W.P.No.19852 of 2025

that on 22.04.2025, survey could not be conducted, it was rescheduled to some dates and it is now in the anvil *i.e.*, scheduled on 06.06.2025.

We also find that the private respondent before us (R7) is one of the noticees *qua* impugned memorandum. Therefore, we are of the view that it will suffice to say that all rights and contentions of R7 stand preserved and further write that this order does not touch upon the rights and contentions of R7. On this basis, we dispense with notice to R7. We do so. Therefore, with the consent of the learned State counsel and learned counsel for writ petitioner, captioned WP is taken up in the Admission Board.

9. Captioned WP stands disposed of in the light of the narrative, discussion and dispositive reasoning set out *supra*, by making the following order:

- i. Certiorari prayer is not acceded to and the impugned memorandum of R3 is sustained;
- ii. R3 shall now proceed with measurement and survey of said lands *i.e.*, lands comprised in Survey Nos.224/2, 223/2, 222/2 and 226/2, Paappambaadi Village, Pappireddipatti Sub Taluk, Pappireddipatti



WEB COPY



W.P.No.19852 of 2025

Taluk, Dharmapuri District, on 06.06.2025 in the presence of the writ petitioner and all other encroachers (noticees *qua* impugned memorandum), including R7;

- iii. R3 shall draw up a survey report and file the same in the aforereferred suit *i.e.*, O.S.No.160 of 2022 (to be noted, R3 before us is the third defendant in the suit);
- iv. We request the aforereferred Civil Court to examine the survey report also on its own merits and in accordance with law in the course of trial;
- v. Axiomatic to the above directive, we make it clear that the plaintiffs (including writ petitioner) and/or any other party to the suit, can file objections to the survey report, if so advised and so desired and the objections shall also be considered on their own merits and in accordance with law;
- vi. We find from the official website of the Court that no interim order is operating in the aforereferred suit and therefore, we deem it appropriate to write that the captioned WP is closed without expression of any view or opinion on the merits of the matter; and



WEB COPY



W.P.No.19852 of 2025

vii.The Civil Court is requested to proceed with the suit on its own merits and in accordance with law untrammelled by the instant order.

Captioned WP stands disposed of in the aforesaid manner.

Captioned writ miscellaneous petition is disposed of as closed.

(M.S.,J.) (H.C.,J.)
04.06.2025

Index : Yes/No
Neutral Citation: Yes/No
cad



WEB COPY



W.P.No.19852 of 2025

M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

To

1. The District Collector
Dharmapuri District
2. The Revenue Divisional Officer
Harur
Dharmapuri District
3. The Tahsildar
Pappireddipatti
Dharmapuri District
4. The Taluk Surveyor
Pappireddipatti
Dharmapuri District
5. The Revenue Inspector
Pappireddipatti
Dharmapuri District
6. The Village Administrative Officer
Irulapatti
Pappirerddipatti Taluk
Dharmapuri District
7. The District Munsif
Pappireddipatti

W.P.No.19852 of 2025

04.06.2025

Page Nos.8/8