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WP No. 28384 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

W.P. No. 28384 of 2025
and W.M.P.No.31780 of 2025

R.Balu

..Petitioner

Vs

1. The Tahsildar
Srimushnam Taluk
Srimushnam
Cuddalore District 608 703
2. The Surveyor
Srimushnam Firka
Srimushnam Taluk
Cuddalore District 608 703
3. R. Elavazhagan
4. R. Mohan
5. R. Karthikeyan
6. S. Sudha

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the first and second respondents herein from any manner surveying and measuring the disputed land in Old Survey No. 91/1, New Survey No. 92/1A1 and R.S. No.92/40, measuring total extent of 1 acre, situated at Palaymkottai Melpathi Village, Palayamkottai Post, Srimushnam Taluk, Cuddalore District - 608 701 pursuant to the representation dated 17.07.2025 made by the petitioner.

For Petitioner : Mr.J.Selvarajan



For Respondents :

Ms.R.K.Varshini
Government Advocate for R-1 and R-2

Mr.B.Harish for R-3 to R-5

Mr.M.R.Elavarasan for R-6

ORDER

This Writ Petition has been filed seeking a writ of mandamus forbearing the first and second respondents herein from in any manner surveying and measuring the disputed land in Old Survey No. 91/1, New Survey No. 92/1A1 and R.S. No.92/40, measuring total extent of 1 acre, situated at Palaymkottai Melpathi Village, Palayamkottai Post, Srimushnam Taluk, Cuddalore District - 608 701 pursuant to the representation dated 17.07.2025 made by the petitioner.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the absolute owner in possession of the subject property by inheritance which was acquired by the grandfather of the petitioner viz., Chandrakasu Padayathchi through a registered release deed executed by one Dhanapakkiyam on 27.06.1960 vide Doc. No.1341 of 1960. While so, the respondents 3 to 5 had created a bogus and fabricated partition deed as if they are the legal heirs of the said Chandrakasu Padayathchi and also registered the said partition deed dated 28.09.2021. Further, they have also formed a layout in the name of Krishnasamy Nagar and created a false power of attorney and sold



plots. The fifth respondent had sold his share measuring 24 cents to the sixth respondent through sale deed dated 29.08.2024. Therefore, the petitioner filed a civil suit in O.S.No.11 of 2025 on the file of the III Additional District Court, Virudhachalam, Cuddalore District for declaration which is pending. Pending suit, the sixth respondent made an online application dated 12.03.2025 before the respondents 1 and 2 for conducting survey. As the said application was not considered by the respondents 1 and 2, she filed a Writ Petition in W.P.No.15121 of 2025 without disclosing the pendency of the suit in O.S.No.11 of 2025. This Court by order dated 25.04.2025 disposed the said writ petition directing the official respondents to conduct survey based on the online application of the sixth respondent. Therefore, the petitioner made a detailed representation on 17.07.2025 to the first respondent not to conduct survey as the civil suit is pending with regard to the title to the subject property. However, without considering the representation of the petitioner, the first respondent issued notice to the petitioner informing that they are going to conduct survey the land. Hence, the present Writ Petition.

3. The learned counsel for the sixth respondent fairly submitted that since the sixth respondent is not aware of this fact, he is not pressing for surveying of the property subsequent to the order passed in W.P.No.15121 of 2025, dated 25.04.2025 until the disposal of the suit in O.S.No.11 of 2025.



4. Heard the learned counsel on either side and perused the materials available on record.

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5. Considering the submission made by the learned counsel for the petitioner and also the submission made by the learned counsel for the sixth respondent, the respondents 1 and 2 are directed not to conduct any survey in the subject property until the disposal of the suit in O.S.No.11 of 2025 pending before the III Additional District Court, Virudhachalam, Cuddalore District. It is made clear that the possession of the sixth respondent shall not be disturbed by the petitioner at any cost by serving this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18-08-2026

Speaking/Non-speaking order
Neutral Citation: Yes/No
SRM



To

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Srimushnam
Cuddalore District 608 703
2. The Surveyor
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KRISHNAN RAMASAMY, J.

SRM

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