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WP.No.831 of 2025

In the High Court of Judicature at Madras

Dated : 20.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.831 of 2025 &
WMP.No.1008 of 2025

Ganesh Karthick

...Petitioner

Vs

1.The Tahsildar, Dharapuram
Taluk, Tiruppur District.

2.The Taluk Surveyor,
Dharapuram Taluk,
Tiruppur District.

3.The Firka Surveyor,
Alangiyam, Dharapuram
Taluk, Tiruppur District.

4.The Village Administrative
Officer, Selampalayam
Village, Dharapuram Taluk,
Tiruppur District.

5.The Superintendent of Police,
Tiruppur District.

6.The Inspector of Police,
Alangiyam Police Station,
Tiruppur District.

7.Kuppusamy
8.Mayilathal

...Respondents



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PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order in Application No.2225/2024 dated 06.12.2024 on the filed 3rd respondent, quash the same and consequently direct the respondents 1 to 4 to survey the petitioner's land measuring 1 acre in R.S.No.393/1B2 (Old S.F.No.306/3A) in Selampalayam Village of Dharapram Taluk in Tiruppur District as per the sale deed dated 24.2.2011 registered as Doc.No.2588 of 2011 on the file of the Sub Registrar, Dharapuram and further direct the respondents 5 to 6 to provide police protection for the survey and fencing the land of the petitioner by considering the petitioner's representation dated 26.12.2024 and quash the same.

For Petitioner : Mr.N.Ponraj
For R1 to R6 : Mr.A.Selvendran, SGP

ORDER

Challenging the proceedings of the third respondent dated 06.12.2024 and to issue a consequential direction to respondents 1 to 4 to conduct a survey in respect of the petitioner's land measuring 1 acre in R.S.No.393/1B2 (Old S.F.No.506/3A) in Selampalayam Village, Dharapram Taluk, Tiruppur District pursuant to the sale deed dated 24.2.2011 registered as Doc.No.2588 of 2011 on the file of the Sub



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Registrar, Dharapuram with police protection, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 to 6.

3. The petitioner's contention is that he is the absolute owner of the subject property. He purchased it within specific boundaries vide sale deed dated 24.2.2011 registered as doc.No.2588 of 2011 on the file of the Sub-Registrar, Dharapuram, Tiruppur District for a valid sale consideration. Respondents 7 and 8, who are his adjacent land owners, had been causing trouble to the petitioner's peaceful possession and enjoyment of the subject property, which constrained the petitioner and another filed a suit in O.S.No.312 of 2016 on the file of the District Munsif Court, Dharapuram against respondents 7 and 8 and two others for a declaration and permanent injunction. The said suit was decreed as prayed for on 15.11.2023.

4. Thereafter, on 21.9.2024, the petitioner made an online application to the first respondent for conducting a survey, which evoked no response. After passage of two months, respondents 3 and 4 had come to the subject property and started measuring it.



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However, respondents 7 and 8 objected to it and therefore, the fourth respondent informed the petitioner that they require police protection to conduct the survey and requested the petitioner to wait for some time. Thereafter, the petitioner sent a representation dated 26.12.2024 to respondents 7 and 8 seeking to provide police protection. The said representation sent to respondents 7 & 8 also did not evoke any response. Thereafter, to his shock and surprise, the impugned order came to be passed by the third respondent rejecting the request of the petitioner on the ground that objections were raised and that a joint patta has been granted in respect of the subject property. Aggrieved by that, the petitioner has come forward with this writ petition.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

6. This order has been passed even at the admission stage without ordering notice to respondents 7 and 8 on account of the fact that the survey, which is now sought for, is pursuant to a decree dated 15.11.2023 obtained by the petitioner and another in O.S.No.312 of 2016 filed against respondents 7 and 8 and two others. The said



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decree is stated to have attained finality as no appeal has been filed challenging the same. That apart, during the survey, if there is a physical obstruction, it is well open to the revenue officials to seek for police protection for the discharge of their statutory duty. Such a course has not been undertaken by respondents 3 and 4. Therefore, the ground for rejection of the petitioner's request as stated in the impugned order that the survey was obstructed cannot be countenanced.

7. If there are any objections while conducting the survey, it is for the revenue officials to consider the objections and and if the objections are frivolous and not backed by any orders of court, respondents 3 and 4 are bound to proceed further to conduct the survey. The question of joint patta shall not stand in the way of conducting the survey as the petitioner has already obtained a decree from the Civil Court for declaration and injunction.

8. Therefore, under the aforesaid circumstances, the writ petition is allowed, the impugned order is set aside and a direction is issued to respondents 3 and 4 to conduct a survey in respect of the subject property. It is needless to state that as and when requested, respondents 5 and 6 shall provide police protection to the officials



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concerned. In case of receiving any objections, respondents 3 and 4 shall take the same into consideration. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

20.1.2025

To

- 1.The Tahsildar, Dharapuram
Taluk, Tiruppur District.
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