



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED 06.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3268 of 2025

1. Mr.Munusamy

2. Mr.Nallathambi

..Petitioner

Vs.

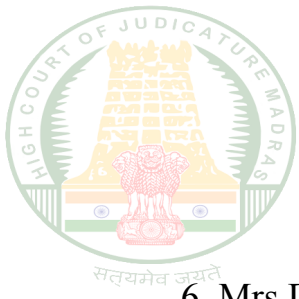
1. The District Collector,
Salem District,
Salem.

2. The Superintendent of Police,
Salem District,
Salem.

3. The Taluk Surveyor,
Valapadi Taluk,
Salem District.

4. The Tahsildar,
Valapadi,
Salem District.

5. The Inspector of Police,
Valapadi Police Station,
Valapadi, Salem District



WEB COPY

6. Mrs.D.Sumathi

7. Mr.D.Purushothaman

8. Mr.D.Sudhan

9. Mr.K.Srinivasan

10. Mr.P.Anandhan

11. Mr.K.Prabakaran

12. Mr.K.Raman

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the relevant records relating to the impugned proceedings in No 3382 / T/2023 dated 20.09.2024 issued by the 4th respondent and quash the same as arbitrary, unreasonable, improper illegal and unsustainable and thereby directing the Respondents 1 to 5 to survey the properties by demarcating its boundaries on laying the corner stones on all the sides of the properties owned by the petitioners situated in S. Nos 154/3B and 154/3C of Ponnarampattai village, Valapadi Taluk, Salem District in an total extent of Acre 1.90 Cents with the help of providing police protection by the respondents 2 and 5 within the time frame fixed by this Court.

For Petitioner : Mr.S.Srinivasan

For Respondents : Mr.A.Selvendran

Special Government Pleader



WEB COPY



for R1 to R4

Mr.V.J.Priyadarsana

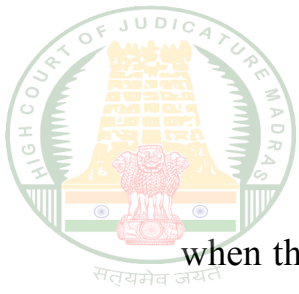
Government Advocate [Crl. Side] for R5

ORDER

This writ petition has been filed challenging the proceedings of the 4th respondent dated 20.09.2024 and for a consequential direction to the respondent to survey and measure the property and mark the boundary stones.

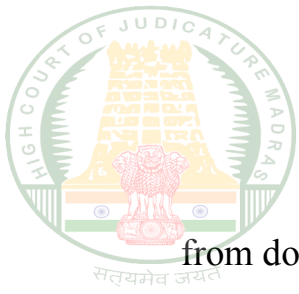
2. Heard Mr.S.Srinivasan, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader for respondents 1 to 4 and Mr.V.J.Priyadarsana, learned Government Advocate [Crl. Side] for 5th respondent.

3. The case of the petitioners is that they are the owners of the subject property by virtue of a registered partition deed dated 06.04.2009 which was registered as document No.970 of 2009. The further case of the petitioners is that the patta also stands in the name of the petitioners in Patta No.888. The petitioners wanted to conduct a survey of the property for fixing the boundary stones. Necessary application was filed and requisite fees was also paid and



when the authorities attempted to conduct the survey, there was resistance from the private respondents. In view of the same, the impugned proceedings came to be issued by the 4th respondent refusing to survey the property. Aggrieved by the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the petitioners are claiming their right and title over the property through a registered partition deed dated 06.04.2009. That apart, Patta in Patta No.888 also stands in the name of the petitioners. Till these documents are intact, no one can resist the survey from being conducted by the authorities in line with those documents. If the private respondents are claiming any right over the property, they can only work out their remedy before the competent civil Court and they cannot prevent the authorities from carrying out their statutory functions. If any such resistance is made, the survey has to be conducted with the police aid. Parties cannot be allowed to take law into their own hands and prevent survey from being conducted. Every one is governed by the Rule of law and therefore, if the private respondents are claiming right over the property, they can only agitate before the competent Court and they cannot physically prevent the authorities



from doing their duty.

WEB COPY

5. In the light of the above discussion, this Court is inclined to interfere with the impugned proceedings of the 4th respondent dated 20.09.2024 and the same is hereby quashed. There shall be a direction to the 4th respondent to proceed further with the survey of the subject property strictly in line with the partition deed dated 06.04.2009 and patta that has already been issued in favour of the petitioners in Patta No.888. If there is any resistance, there shall be a direction to the 5th respondent to provide police protection. Ultimately if at all the private respondents have any right over the property, they can only agitate before the competent Civil Court and this order will not come in the way of the private respondents to work out their remedy before the Civil Court. This process shall be completed by the 4th respondent within a period of four weeks from the date of receipt of the copy of this order.

6. In the result, this writ petition is allowed with the above directions.



No costs.

WEB COPY

06.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order / Non Speaking Order
rka

To

1. The District Collector,
Salem District,
Salem.
2. The Superintendent of Police,
Salem District,
Salem.
3. The Taluk Surveyor,
Valapadi Taluk,
Salem District.
4. The Tahsildar,
Valapadi,
Salem District.
5. The Inspector of Police,
Valapadi Police Station,
Valapadi, Salem District

N. ANAND VENKATESH, J.

rka



WEB COPY

W.P.No.3268 of 2025

06.02.2025