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W.P.No. 2601 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2601 of 2025
and WMP.No.2914 of 2025

Subramanian

.... Petitioner

Vs

- 1.The Tahsildar
Dharapuram Taluk, Tiruppur District.
- 2.The Taluk Surveyor
Dharapuram Taluk
Tiruppur District.
- 3.The Firka Surveyor
Dharapuram Taluk
Tiruppur District.
- 4.The Village Administrative Officer
Alangiyam Village,
Dharapuram Taluk, Tiruppur District.
- 5.The Superintendent of Police
Tiruppur District.
- 6.The Inspector of Police
Alangiyam Police Station, Tiruppur District.
- 7.P.Anandhan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 27.11.2024 passed by the third respondent, quash the same and consequently direct the respondents 1 to 4 to subdivide the petitioner's land at Old S.F.No.699/3 (R.S.No.431/2A) in Alangiyam Village of Dharapuram Taluk in Tiruppur District as per sale deed dated 08.06.1989 in Doc.No.1406 of 1989 registered on the file of the Sub Registrar, Dharapuram with the assistance of the sixth respondent police.

For Petitioner	:	Mr.N.Ponraj
For Respondents	:	Mr.A.Selvandran Special Government Pleader [R1 to R4] Mr.R.Vinoth Raja Government Advocate [Crl. Side] for R5 & R6

ORDER

The writ petition is filed seeking to quash the order passed by the third respondent dated 27.11.2024 and consequently direct the respondents 1 to 4 to sub-divide the petitioner's land comprised in Old S.F.No.600/3 [R.S.No.431/2A] in Alangiyam Village, Dharapuram Taluk, Tiruppur District. (hereinafter referred to as 'subject property') in lines of the sale deed dated 08.06.189 in Doc.No.1406 of 1989, with adequate police protection.



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2. The facts as set out in the affidavit filed in support of this writ petition are herein below stated :

- a) The petitioner is the owner of the subject property measuring an extent of 0.32 acres. His adjacent land owner is the seventh respondent, who is none other than his brother. His brother had purchased lands in S.F.No.700/3 and 703 under separate sale deeds.
- b) During re-survey of the lands, the lands of the seventh respondent in S.F.No.700/3 and 703, and the lands of the petitioner in S.F.No.699/3 were assigned R.S.No.431/2A.
- c) Therefore, in order to avoid confusion over the boundaries of his land, the petitioner had filed an application on 11.10.2021 to survey his subject property as well his other lands in different survey numbers. Since, there was no response on the side of the respondents to the aforesaid application, he filed W.P.No.7462 of 2022 before this Court and by an order dated 30.03.2022, this Court directed the respondents to consider and pass orders on the petitioner's application dated 11.10.2021, within a period of 12



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weeks.

- d) Pursuant to the directions of this Court, the official respondents had come to the petitioner's land to survey his property, but it could not be measured in view of the objections raised by the seventh respondent.
- e) Be that as it may, the seventh respondent on his part, had filed a suit in O.S.283/2022 before the District Munsif Court, Dharapuram, against the petitioner and the officials of the revenue department, for a mandatory injunction to measure the property in S.F.No.700/3 and S.F.No.700, and his other properties.
- f) Since the earlier survey could not be concluded, the petitioner had filed yet another online application on 06.08.2024. However, this application has been rejected by the third respondent vide impugned order dated 27.11.2024 on the ground that the petitioner's neighbouring land owner, namely the seventh respondent, was objecting to survey the petitioner's property, and further no subdivision had taken place in the said property.
- g) According to the petitioner, the seventh respondent wielding his



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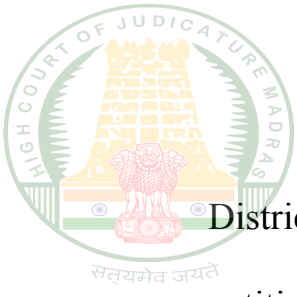
political influence, was preventing the respondents 1 to 4 to conduct survey.

h) The petitioner was informed by the third respondent that necessary assistance would be obtained from the sixth respondent-police to survey the property in question, if required. However, the impugned order now passed clearly shows that the official respondent had acted behind the back of the petitioner.

i) Hence, the petitioner is before this Court.

3. Heard both sides.

4. The writ petition is disposed of at the stage of admission itself without notice to the seventh respondent. The seventh respondent who himself has sought for the survey and measurement of his lands in O.S.No.283/2022 cannot have any objection to the survey of lands being conducted. The order that is going to be passed by this Court in the present writ petition, is only in tune with the relief that has been claimed by the seventh respondent in the suit filed by him in O.S.No.283/2022 on the file of



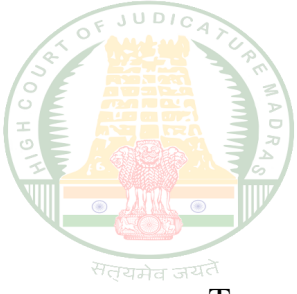
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District Munsif Court, Dharapuram. Therefore, his objection to survey the petitioner's land appears to be self-motivated, malafide and made with ulterior motives.

5. The writ petition is accordingly allowed and the third respondent is directed to survey, measure and sub-divide the lands of the petitioner as per the schedule given in the sale deed dated 08.06.1989, registered as Doc.No.1406 of 1989. In case of any objection by the seventh respondent to survey the petitioner's property, and if the revenue authorities feel that there is a law and order problem, it is open to the respondents 1 to 4 to seek police assistance. If so requested, the Station House Officer (SHO) of the jurisdictional police station shall positively give police aid to the revenue officials. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2025

Index : Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
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P.T.ASHA, J.,

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