



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4356 of 2025

RG Enterprises
Rep. by its Managing Partner, V.Raja
D.No.7/19, Vellakkalpaty,
Omalur Main Road,
Salem 636 012.

... Petitioner

Vs.

1.The District Collector,
Fort Main Road, Salem,
Tamil Nadu 636 001.

2.The Tahsildar,
Taluk Office,
Omalur Taluk,
Salem 636 455.

3.The Head Surveyor,
Taluk Office,
Omalur Taluk,
Salem 636 455.

4.The Firka Surveyor,
Karuppur Firka,
Omalur Taluk,
Salem 636 455.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd Respondent to survey the mentioned land in Patta No. 2339 at karuppur village, Omalur within a stipulated time that may be fixed by this Court by considering the survey application made by the petitioner on 13.11.2024.

For Petitioner : Mr.M.Mahamani

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R4

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 3rd respondent to survey the subject property based on the application submitted by the petitioner on 13.11.2024.

2.Heard Mr.M.Mahamani, learned counsel appearing on behalf of the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of respondents 1 to 4.



3.The petitioner is claiming right and title over the subject property by virtue of a registered Sale Deed dated 30.10.2024. Patta was also issued in favour of the petitioner in Patta No.2339. Some of the villagers started claiming right over the property and hence, a Representative Suit was filed before the learned District Munsif Court, Omalur. I.A.No.1 of 2024 was filed seeking for leave to file the Representative Suit and the same is pending. In the meantime, the petitioner had moved an application for conducting survey in the subject property. Since the application was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

4.The petitioner wants a survey to be conducted in the subject property based on the Title Deed and the patta that has been issued in favour of the petitioner in Patta No.2339. The Representative Suit has been filed and the leave is yet to be granted by the Court. If ultimately, the leave is refused by the competent Civil Court, it will be left open to the petitioner to approach the 2nd and 3rd respondents based on the application that has already been submitted on 13.11.2024 and in which event, the survey shall be conducted by the 2nd and 3rd respondents. If on the other hand, the leave is granted and the suit is entertained, it



is left open to the petitioner to file an appropriate application before the Civil Court and seek for the appointment of an Advocate Commissioner for the survey of the property with the help of the Surveyor. That application shall be dealt with by the competent Civil Court on its own merits and in accordance with law. Except giving this clarity, no further orders can be passed in the present writ petition.

5.This writ petition is disposed of in the above terms. No Costs.

13.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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N. ANAND VENKATESH, J.

SSI

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