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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 9394 of 2025

WMP Nos.10554 & 10549 of 2025

Anandhi

Petitioner(s)

Vs

1. The District Collector
District Collector Office,
Dharmapur District 636 705

2.The Tahsildar
Dharmapuri Taluk Office,
Dharmapuri Taluk,
Dharmapuri District 636 701

3.The Head Surveyor
Dharmapuri Taluk Office,
Dharmapuri Taluk,
Dharmapuri District 636 701

4.Xavier Selvanathan

Respondent(s)

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PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 28.02.2025 in Na Ka no. 37/2025/A1 passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd and 3rd respondent authority not to conduct any survey for the property ie., Manavari Punjai land comprised in K. Naduhalli Village Survey No. 31/3 admeasuring an extent of 0.35.30 hectare or 88 cents in the K. Naduhalli Ravenue Village of Dharmapuri Taluk in the Dharmapuri District pending disposal of A S No. 18/2023 on the file of the Principal Sub Judge, Dharmapuri.

For Petitioner(s): Mr.S.Velmurugan

For Respondent(s): Mr.A.Selvendran
Special Government Pleader
for R1 to R3
K.S.Advocates for R4

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 28.02.2025 and for a consequential



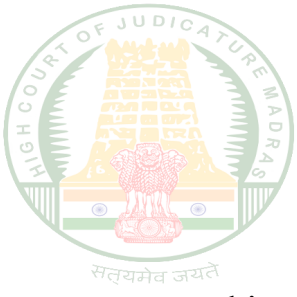
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direction to the 2nd and 3rd respondents not to conduct any survey in the subject property.

2. Heard Mr.S.Velmurugan, learned counsel appearing on behalf of the petitioner, Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of respondents 1 to 3 and K.S.Advocates, appearing on behalf of the 4th respondent.

3. The impugned proceedings dated 28.02.2025 has been issued by the 2nd respondent pursuant to the earlier order passed by this Court in W.P.No.39108 of 2024 dated 20.12.2024 that was filed by the 4th respondent herein.

4. The grievance of the petitioner is that this Court had specifically directed the 2nd respondent to conduct an enquiry and consider the objections and thereafter take a decision with respect to the survey of the



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subject property, but however, the same was not done.

5. When the matter was taken up for hearing today, the learned Special Government Pleader appearing on behalf of respondents 1 to 3 submitted that the order passed by this Court in the earlier writ petition in W.P.No.39108 of 2024 has been strictly complied with and the enquiry was conducted by calling both the parties. It will be more beneficial to extract the relevant portions in the written instructions received from the 2nd respondent hereunder:

8. I submit that in compliance of the above Order of this Hon'ble Court in W.P. No. 39108 of 2024, the 2nd Respondent Tahsildhar conducted enquiry in the subject matter by calling upon the parties and has passed his Order in Na. Ka. No. 375/2025/A1 Dated: 03-03-2025 with the following observations:

“அதனடிப்படையில் வாய்மொழியாக 25.02.2025 வரை கால அவகாசம் அளிக்கப்பட்டு 26.02.2025 அன்று கே. நடுஅள்ளி கிராம புல எண் 31/3 -ல் புல



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எல்லை நிலஅளவை மேற்கொள்ள ஆணைபிறப்பிக்கப்பட்டு நில அளவை மேற்கொள்ளும் பொழுது, நில அளவை செய்வதற்கு ஆட்சேபணை தெரிவித்து தாங்கள் மனு அளித்தீர்கள். கே. நடுஅள்ளி கிராம புல எண் 32/1ஏ1 பரப்பு 0.24.50 ஏர்ஸ் பட்டா எண் 1531 உள்ள நிலம் தங்களுக்கு சொந்தமானது என்றும் அதில் பரப்பளவு 0.22.03 ஏர்ஸ் என்று திருத்தப்பட்டுள்ளது என எதிர் மனுதாரர் திருமதி. ஆனந்தி க/பெ. பொன்னுசாமி ஆட்சேபணை தெரிவித்துள்ளார். அதற்கு எந்தவித ஆதாரமும் இல்லை. ஆகவே தங்களது ஆட்சேபணை ஏற்கப்படவில்லை.

மேலும், பார்வை -2ல் காணும் சுற்றறிக்கையில் மாண்புமையுடைய நீதிமன்றத்தில் நிலஅளவை நேர்வுகளில் தடையேதும் இல்லாத இனங்களில் நிலஅளவை மேற்கொள்ள அறிவுறுத்தப்பட்டுள்ளது. எனவே, மாண்புமையுடைய சென்னை உயர்நீதிமன்ற W.P.No 39108/2024 நாள் 20.12.2024 தீர்ப்புரையின் படி கே.நடுஅள்ளி கிராம புல எண் 31/3 க்கான புல எல்லை அளவு 05.03.2025 அன்று மேற்கொள்ளப்படவிருந்தது நிர்வாக காரணங்களினால் எதிர்வரும் 07.03.2025 அன்று புல எல்லை அளவு பணி மேற்கொள்ளப்படும் என இதன் மூலம் தெரிவிக்கப்படுகிறது. எதிர் மனுதாரர் ஆகிய திருமதி. ஆனந்தி க/பெ. பொன்னுசாமி, நிலஅளவை பணிக்கு எந்தவித இடையூறும் ஏற்படுத்தக்கூடாது என்றும் தெரிவிக்கப்படுகிறது”.

9. I submit that after the passing of the above Order, on account of surveying the Subject lands, the Revenue officials and the police authorities tried to enter but the Petitioner along with 10 Adovates and junior advocates argued with the officials and protested to the survey of the Subject Lands. I submit that the Advocate of the Petitioner were abusive and were not allowing the officials to enter the Subject Lands to survey.
10. I humbly submit that as per the Revenue Records, the part buildings and the structures raised by the Petitioner herein are in the lands of the 4th Respondent herein. I submit that as per the Circular of the Commissioner of Survey and Settlement in his Circular R.C. No. Q5/20403/2020 (sy) Dated:15-03-2021 there



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exisits no bar to survey the land even if there exists a pending civil suit, in absence of Order of stay.

6.In the light of the above stand taken by the 2nd respondent, there is no scope for interfering with the impugned proceedings of the 2nd respondent dated 28.02.2025. If at all the petitioner is aggrieved, it is left open to the petitioner to workout her remedy in the manner known to law.

7.In the result, this writ petition stands dismissed. No Costs.
Consequently, connected miscellaneous petitions are closed.

24-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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