



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

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CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.12800 of 2025

K.Gurusamy

.... Petitioner

-Vs-

1.The District Collector
Salem.

2.The Revenue Divisional Officer
Sankari

3.The Tahsildar
Sankari Taluk
Salem District.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to survey and fix the boundaries to the petitioner properties situated in S.F.Nos.6/2, 2/2 and 2/3 and 2/6 at Valaiyachettipalayam Village, Sankari Taluk, Salem District by considering petitioner representation dated 29.10.2024 and E-Challen dated 13.01.2025 in Nos.20250113004353.



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For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.M.R.Gokulkrishnan
Additional Government Pleader
for R1 to R3

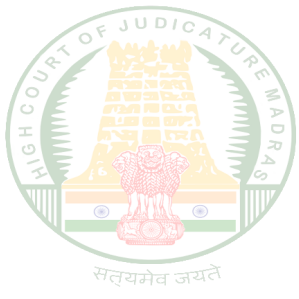
ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 3rd respondent to survey and to fix boundaries based on the application submitted by the petitioner on 29.10.2024.

2. When the writ petition came up for hearing on 24.04.2025, this Court passed the following order:

This writ petition has been filed for the issue of writ of Mandamus directing the 3rd respondent to act upon the representation made by the petitioner on 29.10.2024 wherein the petitioner is seeking for the survey of the subject property and for demarcation of boundaries.

2. When the writ petition came up for hearing on 17.04.2025, the learned counsel for the petitioner submitted that the petitioner has already succeeded in the



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civil suit in OS No.115 of 2012 on the file of the District Munsif Court, Sankagiri dated 27.11.2023. The learned counsel submitted that the suit was filed for declaration of title and permanent injunction and the relief was granted. In view of the same, this Court directed the learned Additional Government Pleader to take instructions and inform this Court on the progress made in the application submitted by the petitioner for survey.

3. When the matter was taken up for hearing today, the learned Additional Government Pleader on instructions submitted that the defendants in the suit have filed an appeal in A.S.No.2 of 2024 and the same is pending on the file of the District Munsif Court, Sankagiri. The above instructions received may not be correct since the Trial court was the District Munsif Court, Sankagiri and the learned counsel for the petitioner submitted that till date the petitioner has not even received any notice in the pending appeal.



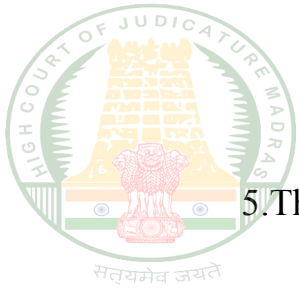
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4. In view of the above, post this writ petition at the end of the motion list on 28.04.2025 for getting proper instructions.

3. When the writ petition was taken up for hearing today, it was clarified by the learned Additional Government Pleader that the appeal is now pending before the Sub Court, Sankagiri.

4. In the light of the above development, if the petitioner wants the survey to be conducted in the subject property it was left open to the petitioner to file an application before the Sub Court, Sankagiri in A.S.No.2 of 2024, which is pending and seek for appointment of advocate commissioner to conduct the survey with the help of the surveyor. On such application being filed by the petitioner before the Sub Court, Sankagiri, orders shall be passed on its own merits and in accordance with law. If ultimately the appellate Court permits the survey to be conducted, the respondents will act upon the same and do the needful.



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

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Index : Yes/No

NCS : Yes/No

KP

To

1. The District Collector
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2. The Revenue Divisional Officer
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Salem District.



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N.ANAND VENKATESH, J.

KP

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