



W.P.No.17543 of 2025

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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 03.06.2025

CORAM:

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.17543 of 2025

Adhimoolam

.. Petitioner

Vs.

1. The Tahsildar
Thalaivasal Taluk, Salem District.

2. The Surveyor
O/o. The Tahsildar
Thalaivasal Taluk, Salem District.

3. Kalaranjini .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, forbearing the first respondent or subordinates agents mens any manner from conducting the forcible survey and subdivision in Survey Nos.56/5, 58/1, 56/6, 58/4, 3, 56/7, 56/3, 2, 4, 1 situated at Sadhasivapuram Village, Thalaivasal Taluk, Salem District.

For Petitioner : Mr.P.Ganapathy

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 and R2

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ORDER

By consent of both parties, this writ petition is taken up for final disposal. Considering the nature of the order that is going to be passed in the present writ petition, notice to third respondent stands dispensed with.

2. The present writ petition is filed for forbearing the first respondent from conducting the survey and sub-division in Survey Nos.56/5, 58/1, 56/6, 58/4, 3, 56/7, 56/3, 2, 4, 1 situated at Sadhasivapuram Village, Thalaivasal Taluk, Salem District.

3. The petitioner would submit that he had filed a suit for declaration and injunction in O.S.No.254 of 2024, which is pending on the file of the Sub-Ordinate Judge, Attur, against the third respondent. It is the case of the petitioner that the third respondent had purchased the subject property from *T.Arumugam* and *A.Selvi* vide registered sale deed dated 23.11.2023. The suit is filed for declaring the sale deed dated 23.11.2023 vide Document No.7287/2023 as null and void. It is submitted that during the pendency of the suit, the Authorities, under the Tamil Nadu Survey and Boundaries Act, 1923, may not have authority to carry out the

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4. The learned Special Government Pleader appearing for the respondents would submit that the petitioner may be permitted to submit its application and if such application is made, the same would be considered and thereafter, the appropriate Authority would decide on the request for survey, which is agreed to by the learned counsel appearing for the petitioner.

5. In view thereof, this writ petition is disposed of with direction to the respondents to consider petitioner's application, if any made, and shall consider the request for survey and if the same is in order, shall carry out a survey, place boundary stones and complete the process within a period of 8 weeks from the date of receipt of a copy of this order after giving prior notice to the petitioner, adjacent land owners and other interested parties including rival claimants if any.



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WEB COPY 6. It is made clear that this Court has not expressed any opinion on the jurisdiction or otherwise of the second respondent to conduct the survey during the pendency of the suit. There shall be no order as to costs.

03.06.2025

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No

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To:

1. The Tahsildar
Thalaivasal Taluk, Salem District.
2. The Surveyor
O/o. The Tahsildar
Thalaivasal Taluk, Salem District.



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MOHAMMED SHAFFIQ, J.

(drm)

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