



W.P.No.22171 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.22171 of 2025

O.K.N.Palani

... Petitioner

Vs.

1. The District Collector,
Vellore District,
Vellore.
2. The Revenue Divisional Officer,
Gudiyatham Division,
Vellore District.
3. The Tahsildar,
Gudiyatham Taluk,
Vellore District.
4. The Surveyor,
Gudiyatham Taluk,
Vellore District.
5. The Commissioner,
Gudiyatham Municipality,
Gudiyatham Taluk,
Vellore District.



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6. The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham,
Vellore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 24.01.2025 to survey and fix the boundaries for the house property based on the assignment patta H.S.No.17/1409 in Survey No.421 measuring an extent of 627 sq.ft situated No.34/2, Municipal Lane, Katpadi Road, Gudiyatham Taluk, Vellore District.

For Petitioner	:	Mr.R.Govindasamy
For Respondents	:	Mr.P.Sathish Addl. Govt. Pleader for R1 to R4 Mr.R.Kishore Kumar Govt. Advocate (Crl.Side) for R6

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing third respondent to conduct survey and fix the boundaries pursuant to the representation submitted by petitioner on 24.01.2025.



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2. By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he is the absolute owner of the house property comprised in Survey No.421 measuring an extent of 627 sq.ft situated at No.34/2, Municipal Lane, Katpadi Road, Gudiyatham, Vellore District. Originally petitioner's father-in-law, viz., Vajiram was in possession and enjoyment of the subject property. Vajiram died on 09.08.1989 and subsequently petitioner's mother-in-law died on 08.04.1997 leaving behind the only legal heir, her daughter Kuppammal, wife of petitioner. His wife died on 15.06.2021 leaving behind petitioner and mother. It is submitted that petitioner and his family members are residing in the subject property for several decades. Petitioner made an application before respondents 1 to 3 for issuance of assignment patta for the above said house property and that third respondent had issued assignment patta on 04.05.1999 vide Patta No.421/1999 in respect of Survey No.421. It is further stated that a portion of the house property comprised in Survey



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No.421 was in dilapidated condition. Hence, petitioner decided to renovate the house property. When attempt was made to renovate the property, there was resistance from the neighbours, namely, Murugan, Raajah, Seenan, Saravanan and Anbu and therefore, he made a complaint on 21.01.2025 before Gudiyatham Town Police Station. However, there was no response. Therefore, petitioner made a representation to third respondent on 03.07.2024 for surveying the house property. But the survey has not been conducted. Hence, the present writ petition has been filed.

4. Learned Additional Government Pleader appearing for respondents 1 to 4 would submit that petitioner has not taken out online application for conducting survey. If petitioner takes out an appropriate online application and pays the necessary fee in respect of the subject property, the survey would be carried out within a time frame that may be stipulated by this Court, which was agreed to by learned counsel for petitioner.

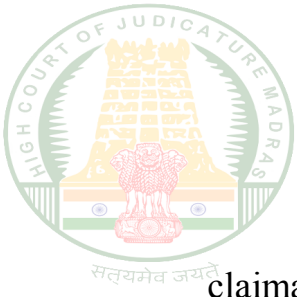


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5. It is further submitted by learned Additional Government Pleader that in case Police protection is required, respondents 3 & 4 would request sixth respondent. When this was pointed out, learned Government Advocate (Crl.Side), appearing for sixth respondent would submit that if any such request is made, adequate Police protection will be provided.

6. Taking into consideration the facts and circumstances of the case and limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to petitioner to submit an application to concerned respondent and pay necessary fee in respect of Survey No.421 within a period of four weeks from the date of uploading of the web copy without waiting for the receipt of certified copy. On receipt of such payment, the concerned respondent shall conduct survey and measure the subject property and complete the process within a period of six weeks from the date of receipt of copy of such payment after affording reasonable opportunity of hearing to petitioner, Murugan, Raajah, Seenan, Saravanan and Anbu, adjacent land owners and other interested parties including rival



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claimants, if any and also putting all the interested parties on notice. It is open to respondents 3 & 4 to request for Police protection before sixth respondent. If any such request is made, sixth respondent is directed to provide adequate Police protection for conducting survey. It is made clear that this Court has not expressed any view with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law.

7. Accordingly, this Writ Petition is disposed of. No costs.

23.06.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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MOHAMMED SHAFFIQ, J.

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