



W.P. No.16727 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.16727 of 2025

1.Mr.K.Azhagan

2.Mrs.A.Sarasu

... Petitioners

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Tahsildhar,
Gangavalli Taluk,
Gangavalli-636 105,
Salem District.

3.The Deputy Inspector of Survey,
Gangavalli Taluk,
Gangavalli-636 105,
Salem District.

4.Mr.Ganesan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing respondent Nos.2 and 3 to issue sub-division patta in respect of petitioners' lands namely (1) measuring 6 acres 44 cents comprised in Survey No.9/1 (part); (2) measuring 16 cents comprised in Survey No.8/23 (part); and (3) measuring 5.33 cents comprised in Survey No.10/4 (part), in Sengadu Village, Gangavalli Taluk, Salem District, in



W.P. No.16727 of 2025

petitioners' names, measure the said lands and fix boundaries for the said lands pursuant to petitioners' request dated 27.12.2024, within the time frame that may be fixed by this Court.

For Petitioner(s) : Mr.B.K.Sreenivasan

For Respondent(s) : Mr.P.Ganesan
Government Advocate
for R1 to R3

ORDER

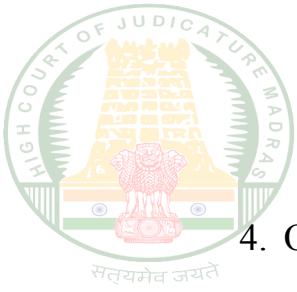
By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to respondent No. 4 is dispensed with.

2. The present writ petition is filed praying for a writ of mandamus, to direct respondent Nos.2 and 3 for sub-division of patta in respect of petitioners' lands namely (1) measuring 6 acres 44 cents comprised in Survey No.9/1 (part); (2) measuring 16 cents comprised in Survey No.8/23 (part); and (3) measuring 5.33 cents comprised in Survey No.10/4 (part), in Sengadu Village, Gangavalli Taluk, Salem District, in petitioners' names, measure the said lands and fix boundaries for the said lands pursuant to petitioners' request dated 27.12.2024, within the time frame that may be fixed by this Court.



W.P. No.16727 of 2025

3. It is submitted by the learned counsel for the petitioners that petitioners purchased the land viz. (1) measuring 6 acres 44 cents comprised in Survey No.9/1 (part); (2) measuring 16 cents comprised in Survey No.8/23 (part); and (3) measuring 5.33 cents comprised in Survey No.10/4 (part), in Sengadu Village, Gangavalli Taluk, Salem District, under sale deed dated 16.09.1992, registered as documents Nos.639 and 640 of 1992. On 24.12.2024, the fourth respondent while fencing his lands has encroached petitioners' lands to an extent of about 75 cents comprised in S.No.9/1. Hence, the petitioner lodged a complaint on 27.12.2024 with the second respondent to take action against fourth respondent and also made online application to conduct survey and fix boundaries of the petitioners' property comprised in Survey Nos.9/1, 8/23 and 10/4 in Sengadu Village, Gangavalli Taluk, Salem District, and has also paid necessary charges. While so, the petitioners filed a separate online application on 17.03.2025 before the second respondent, seeking sub division of patta transfer in respect of petitioners' land. However, the said applications were not considered by the second respondent till date. Aggrieved by the same, the present writ petition has been filed before this Court.

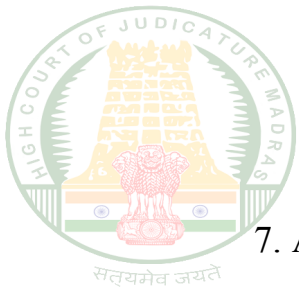


W.P. No.16727 of 2025

4. On this being pointed out, the learned Government Advocate would submit that they would consider the petitioners' representation dated 27.12.2024 and carry out survey and fix boundaries of the subject property and complete the process within a time frame to be fixed by this Court, which was agreed to by the learned counsel for the petitioners.

5. It was further submitted by the learned Government Advocate that the representation dated 17.03.2025, made by petitioner seeking issuance of sub division of patta would be considered and appropriate orders would be passed within a time frame to be fixed by this Court, which was agreed to by the learned counsel for petitioners.

6. In view thereof, there shall be a direction to the respondent Nos.2 and 3 to consider petitioner's application dated 27.12.2024 and carry out a survey and fix boundaries of the subject property and complete the process within a period of 6 weeks from the date of uploading of the web copy without waiting for the receipt of certified copy giving prior notice to the petitioners, fourth respondent, adjacent land owners and other interested parties including rival claimants if any.



W.P. No.16727 of 2025

7. As regards issuance of sub division of patta, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the respondent Nos.2 and 3, to consider the representation dated 17.03.2025, seeking sub division of patta, on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioners and any other interested persons/stake holders, within a period of six (6) weeks from the date of uploading of the web copy without waiting for the receipt of certified copy.

8. It is made clear that this Court has not expressed any views with regard to the merits of the representations and it is open to the concerned respondent to consider the representations on its own merits and in accordance with law. No costs.

04.06.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

mrn



W.P. No.16727 of 2025

To:

1.The District Collector,
Salem District,
Salem.

2.The Tahsildhar,
Gangavalli Taluk,
Gangavalli-636 105,
Salem District.

3.The Deputy Inspector of Survey,
Gangavalli Taluk,
Gangavalli-636 105,
Salem District.



WEB COPY



W.P. No.16727 of 2025

MOHAMMED SHAFFIQ, J.

mrn

W.P. No.16727 of 2025

04.06.2025