

W.P. No.16687 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.16687 of 2025

1.Kumar

2.C.Murugan

Petitioner(s)

Vs.

1.The Revenue Divisional Officer,
Village Administration Office,
Veppanapalli, Krishnagiri District.

2.Tahsildar,
Krishnagiri District.

3.The Village Administrative Officer,
Krishnagiri District.

4.Inspector of Police,
Vepanapalli Police Station,
Krishnagiri District.

5.Lakshmi Devi

6.Sathya

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the Respondents 1 to 3 to survey the petitioner's land in Survey No.228/1A, sub-divided as Survey No.228/1A1,



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(Patta No.412) measuring an extent of 2.88 Acres in Kodipally Village, Krishnagiri District and affix boundary stones under the protection of the 4th Respondent.

For Petitioner(s)	: Mr.M.Ashwin Kumar
For Respondent(s) 1 & 2	: Mr.A.Selvendran Special Government Pleader
For R4	: Mr.R.Kishore Kumar Government Advocate (Crl. Side)
For R5 & 6	: Ms.N.Sureka

ORDER

The present writ petition is filed praying for a writ of Mandamus directing respondents 1 to 3 to survey the land comprised in Survey No.228/1A, sub-divided as Survey No.228/1A1 and affix boundary stones under the protection of the 4th Respondent.

2. It is submitted by the learned counsel for petitioners that petitioners submitted a representation on 19.11.2024 seeking survey of the land comprised in Survey No.228/1A, sub-divided as Survey No.228/1A1, measuring an extent of 2.88 acres situated at Kodipally Village, Krishnagiri District along with police protection. It is stated that petitioners have submitted another representation on 25.03.2024, however, respondents 1 to 3 have not considered these representation till date. Aggrieved, petitioners have filed the present writ petition.



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4. It is stated that a Suit is pending, however, to a pointed question as to whether there is any interim order, the learned counsel for petitioner as well as counsel for respondents would submit that there is no interim injunction/ order.

5. At the outset, it is submitted by Mr.A.Selvendran, learned Special Government Pleader for respondents 1 to 3 that petitioner's representations seeking survey of subject land would be considered and appropriate orders would be passed on merits after issuing notice and affording reasonable opportunity of hearing to the petitioners, respondents 5 & 6, adjacent land owners and other interested parties within a time frame to be fixed by this Court.

6. Mr.R.Kishore Kumar, learned Government Advocate (Crl. Side) appearing for 4th respondent would submit that if any request for police protection is made, adequate protection would be provided for carrying out survey. Learned counsel for respondents 5 and 6 would submit that they would co-operate with the authorities while conducting survey.

7. I find that the order impugned herein is contrary to the Circular dated



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15.03.2021 in R.C.No.Q5/20403/2020 (sv), wherein in Clause (iv) & (v) of

paragraph No.2, it has been clarified that pendency of litigation is not a bar for conducting survey. The relevant portion is extracted hereunder:

"2. (iv) Pendency of litigation before Courts is not a bar for the authorities to conduct survey or resurvey in the absence of any stay / interim order / interim injunction from proceeding further.

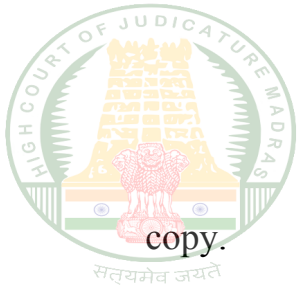
(v) In cases relating to pending civil dispute, the parties are at liberty to approach the appropriate forum for conducting Survey of Resurvey of the property in question by making necessary application and the same shall be considered by the appropriate forum in accordance with law."

8. In view thereof, the writ petition stands disposed of with the following directions:

i) The respondents shall consider the petitioners' representation seeking survey in accordance with law, after issuing notice and affording a reasonable opportunity of hearing to the petitioners, respondents 5 and 6, adjacent land owners and all other interested parties including rival claimants, if any.

ii) Though facts have been set out extensively in the affidavit, this Court does not propose to deal with it while leaving it open to the respondents to call for any document/conduct enquiry to satisfy itself of the petitioners' entitlement for requesting survey of subject property.

iii) The entire process shall be completed within a period of 8 weeks from the date of uploading of web copy without waiting for the receipt of certified



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iv) It is made clear that this Court has not expressed any views 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. Rights and contentions of the petitioners, respondents 5& 6, and all other interested parties are left open. No costs.

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Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
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To:

- 1.The Revenue Divisional Officer,
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- 2.Tahsildar, Krishnagiri District.
- 3.The Village Administrative Officer,
Krishnagiri District.
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MOHAMMED SHAFFIQ, J.



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