



W.P.No.18214 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.18214 of 2025

P.Vinoth Kumar

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office,
Bargur,
Krishnagiri District.

2. The Superintendent of Police,
Krishnagiri District.

3. The Inspector of Police,
Bargur Police Station,
Krishnagiri District.

4. Kulandai

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for records relating to the order passed by the first respondent in his proceedings bearing Na.Ka.No.2219/2024/Ca dated 09.04.2025 which was transmitted on 19.04.2025 quash the same as illegal and arbitrary and as being violation of the order passed in W.P.(MD)No.21006 of 2023 dated 26.09.2023 and



W.P.No.18214 of 2025

consequently directing the respondents 1 & 3 to survey the property and fix the boundaries in Survey Nos.280/2, 281/6, 282/1, 282/9 and 283/5 in Sigarapalli Village, Bargur Taluk, Krishnagiri District within a stipulated period of time fixed by this Court.

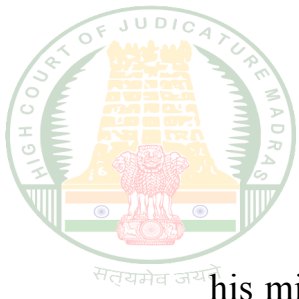
For Petitioner : Mr.M.Dinesh

For Respondents : Mr.A.Selvendran
Special Government Pleader for R1
Mr.R.Kishore Kumar
Government Advocate (Crl.Side)
for R2 & R3
Mr.P.Sudesh Kumar for R4

ORDER

The present writ petition is filed challenging the order of the first respondent dated 09.04.2025 whereby the petitioner's request for surveying the land comprised in Survey Nos.280/2, 281/6, 282/1, 282/9 and 283/5 in Sigarapalli Village, Bargur Taluk, Krishnagiri District was refused only on the limited ground that the suit is pending in respect of subject property.

2. It is the case of the petitioner that petitioner acquired the said property measuring an extent of 0.81 (1/4) acres from one Chakravarthi and

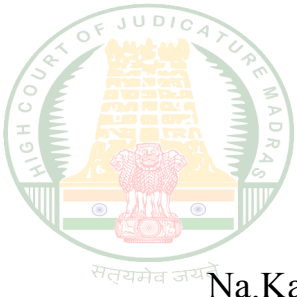


W.P.No.18214 of 2025

WEB COPY

his minor daughters by way of a registered sale deed dated 29.07.2024 vide Document No.3297 of 2024 on the file of Sub Registrar, Bargur for a valid sale consideration. He has also been issued with Patta No.5196. Revenue records were also mutated in his name. The petitioner is in possession and enjoyment ever since the date of purchase. As there had been some intervention from the fourth respondent for measuring the said property, petitioner made an application on 13.08.2024 before the respondents seeking to conduct a survey in respect of the subject property and fix the boundaries. Petitioner also paid the necessary charges. As it did not evoke any response, petitioner filed a writ petition in W.P.No.34843 of 2024 seeking for a direction to survey the land and the same was allowed on 26.11.2024.

3. It is the further case of petitioner that petitioner had given a representation to the first respondent to survey the land and request them to comply with the order passed by this Court. Despite the Police protection granted by second respondent in his proceedings in



W.P.No.18214 of 2025

WEB COPY

Na.Ka.No.C2/802/93552/2025 dated 28.03.2025, the first respondent has not surveyed the land. Petitioner had filed another writ petition in W.P.No.14155 of 2025 seeking direction to implement the proceedings of the second respondent dated 28.03.2025 and direct the first respondent to survey the subject property and fix the boundaries and the same was allowed on 22.04.2025. Petitioner made request to survey the subject property, however the same was rejected vide proceedings dated 09.04.2025. Challenging the same, the present writ petition has been filed.

4. It is submitted by learned counsel for petitioner that due to pendency of the suit in O.S.No.102 of 2020 on the file of the Sub Court, Krishnagiri, the survey has not been conducted. He would further submit that mere pendency of the suit would not be a bar for conducting the survey.

5. Learned counsel for fourth respondent would submit that petitioner has an efficacious alternative remedy by way of an appeal before the appropriate authority. Therefore, the grounds that are raised in the



W.P.No.18214 of 2025

WEB COPY

present writ petition can always be raised before the appellate authority as an alternative remedy is available by way of an appeal.

6. At the outset, it was submitted by learned Additional Government Pleader appearing for first respondent that the survey would be carried out after issuing notice to petitioner and fourth respondent and if need arises, Police protection would be sought for from the respondents 2 & 3. When this was pointed out, the learned Government Advocate, appearing for respondents 2 & 3 would submit that, if any such request is made, adequate police protection will be granted.

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



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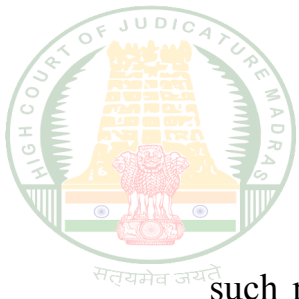


W.P.No.18214 of 2025

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 the considered view of this Court, mere pendency of the suit is not a bar for the authorities to conduct survey or resurvey. Therefore, petitioner is directed to submit an application afresh to first respondent and pay necessary fee in respect of Survey Nos.280/2, 281/6, 282/1, 282/9 and 283/5 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application / payment, first respondent shall conduct survey and fix the boundaries of the subject property and pass appropriate orders within a period of four weeks thereon after affording reasonable opportunity of hearing to petitioner, fourth respondent, adjacent land owners and any other rival claimants if any. It is open to first respondent to request for Police protection before respondents 2 & 3. If any



W.P.No.18214 of 2025

WEB COPY

such request is made, respondents 2 & 3 are 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 first respondent to consider the matter on its own merits and in accordance with law.

9. Accordingly, this Writ Petition stands disposed of. No costs.

27.06.2025

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

1. The Tahsildar,
Taluk Office,
Bargur,
Krishnagiri District.
2. The Superintendent of Police,
Krishnagiri District.
3. The Inspector of Police,
Bargur Police Station,
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W.P.No.18214 of 2025

MOHAMMED SHAFFIQ, J.

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W.P.No.18214 of 2025

27.06.2025