



W.P. No.20604 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.20604 of 2025

and

W.M.P. No.23220 of 2025

R.Vadivelan

Petitioner(s)

Vs

1.The Thasildhar,
Taluk Office, Tharangampadi,
Myladuthurai District.

2.The Joint Surveyor,
Taluk Office,
Tharangampadi,
Myladuthurai District.

3.N.Chandramohan

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 and 2 to survey the petitioner's land in Patta bearing Nos.1427 and 1428 situated in Kothangudi Village, Tharangampadi Taluk, Myladuthurai District and lay boundary stones based on the petitioner's representation dated 03.06.2025 within the time limit that may be stipulated by this Court.



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For Petitioner(s) : Mr.R.Singaravelan
Senior Advocate
for Ms.P.Brindha

For Respondent(s) : Mr.A.Selvendran
Special Government Pleader

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 the 3rd Respondent is dispensed with.

2. The present writ petition is filed praying for a writ of mandamus to direct respondents 1 and 2 to survey the petitioner's land in Patta bearing Nos.1427 and 1428 situated in Kothangudi Village, Tharangampadi Taluk, Myladuthurai District and lay boundary stones based on the petitioner's representation dated 03.06.2025.

3. It is submitted by the learned counsel for petitioner that the petitioner had taken lease of agricultural lands owned by South Arcot Diocesan Corporation by a lease agreement dated 05.03.2012, measuring an extent of 11 acres and 88 cents situated at Panangudi Village. It is stated that the leased land



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WEB 21.03.2024 were sold to the petitioner vide registered document No.1069 of 2024 dated 21.03.2024 and the petitioner became the absolute owner of the lands. While so, the petitioner filed a Suit in O.S.No.6 of 2014 praying for permanent injunction from interfering with the peaceful possession of petitioner's lands. The 3rd respondent had filed an interim application in I.A.No.21 of 2014 in the above Suit praying for appointment of Advocate Commissioner, which was allowed by the learned Additional Sub-Court, Mayiladuthurai on 22.04.2014. Against the said order in I.A.No.21 of 2014, a Civil Revision Petition in C.R.P.(PD)No.2344 of 2014 was filed wherein the interim application for appointment of Advocate commissioner was rejected and the petition was allowed on 27.02.2020 with the following order:

"The plaintiff is the revision petitioner herein. He has filed a suit in O.S.No.6/2014 before the Additional SubCourt, Mayiladuthurai for a bare injunction and the matter stands posted for filing counter in I.A and filing written statement in the suit. The defendant filed I.A.No.21/14 for appointment of Advocate Commissioner to note down the physical features and also whether any encroachment has been made or not and that application has been allowed and hence, this Civil Revision Petition.

2. Heard the learned counsel for the petitioner.

3. The learned counsel for the respondents submits that in respect of the very same suit property, the South Arcot Diocean Corporation, Cuddalore has filed a suit wherein the plaintiff herein is the tenant. The suit was dismissed. The South Arcot Diocean Corporation, Cuddalore filed a suit against the defendants herein and the same was dismissed and the appeal was also allowed to be dismissed for default and hence, he filed in I.A. for ascertainment of whether the defendants is in occupation of the building.



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4. Taking note of the fact that the counter and written statement filed or not and filed in LA and suit respectively and also taking note of the fact that unless there is a dispute with regard to the plaintiffs possession, I.A for appointment of Advocate Commissioner to note down the physical features who is in possession amounts to collection of evidence which is unsustainable in law.

5. In this view of the matter, this Civil Revision Petition is allowed and the order in LA is set aside. However, since the respondents has not filed written statement in the suit, subject to the stand to be taken by the respondents/defendants in the written statement, he is at liberty to move the similar application if he is so be advised. No costs. Consequently, connected Miscellaneous Petition is closed."

3.1. Thereafter, the 3rd respondent has not yet filed the written submissions in the said Suit. In the circumstances, petitioner had submitted representations on 02.05.2024, 10.05.2025, 29.05.2025 and has also taken out an online application on 03.06.2025 seeking survey in respect of land bearing Patta Nos.1427 and 1428 situated in Kothangudi Village, Tharangampadi Taluk, Myladuthurai District. It is stated that petitioner has also paid the necessary charges for the same, however, survey has not been carried out till date. Hence, this writ petition.

4. At the outset, it is submitted by Mr.A.Selvendran, learned Special Government Pleader for respondents that the representations and online application dated 03.06.2025 and conduct a survey in respect of the lands for which online application is taken out, and pass appropriate orders after putting



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the petitioner, 3rd respondent and other interested parties on notice within the time frame to be fixed by this Court. Agreed to by the learned counsel for petitioner.

5. In view thereof, the writ petition is disposed of with a direction to the appropriate respondent to consider the representations and online application dated 03.06.2025, conduct survey of petitioner's land 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 and reasonable opportunity of hearing to the petitioner, 3rd respondent, adjacent land owners and other interested parties including rival claimants, if any. 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. No costs. Consequently, the connected miscellaneous petition is closed.

11.06.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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MOHAMMED SHAFFIQ, J.

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To:

1.The Thasildhar,
Taluk Office, Tharangampadi,
Myladuthurai District.

2.The Joint Surveyor,
Taluk Office,
Tharangampadi,
Myladuthurai District.

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