

W.P. No.20696 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.20696 of 2025

Venkatachalam

... Petitioner

Vs.

1.The Tahsildar,
Mettur Taluk,
Mettur Dam,
Salem District.

2.The Taluk Head Surveyor,
Mettur Taluk,
Mettur Dam,
Salem District.

3.The Village Administrative Officer,
Mallikundam Revenue Village,
Malikundan -636 458
Mettur Taluk,
Salem District.

4.The Inspector of Police,
Mecheri Police Station,
Mecheri -636 453,
Mettur Taluk,
Salem District.

5.Alamelu
6.Kuzhanthaipillai

...Respondents



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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 and demarcate boundaries of the petitioner's lands in S.No.410/2, to an extent of 02.75.00 Hectares, situated at Mallikundam Revenue Village, Mettur Taluk, Salem District with assistance of the fourth respondent police within a stipulated time to be fixed by this Court.

For Petitioner(s) : Mr.M.R.Jothimanian

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

Mr.R.Kishore Kumar
Government Advocate (Criminal Side)
for R4

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 Respondents 5 and 6 is dispensed with.

2. The present writ petition is filed praying for a writ of mandamus to direct the respondents 1 to 3 to survey and demarcate boundaries of the petitioner's lands comprised in S.No.410/2, measuring an extent of 02.75.00

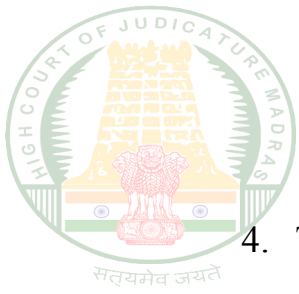


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Hectares, situated at Mallikundam Revenue Village, Mettur Taluk, Salem

District with assistance of the fourth respondent police, within a stipulated time to be fixed by this Court.

3. It is submitted by the learned counsel for the petitioner that the property comprised in S.No.410/2, measuring an extent of 02.75.00 Hectares, situated at Mallikundam Revenue Village, Mettur Taluk, Salem District owned by the petitioner's father. Thereafter, the said properties were partitioned among the family members of the petitioner vide Partition deed dated 03.07.1952 vide Doc.No.1796/1952. However, there was no proper boundaries in the FMB of revenue authority with respect to the subject property. Hence, the petitioner submitted an on-line application dated 22.04.2025 before the respondents 1 and 2 to measure and demarcate boundaries of the subject property and has also paid necessary charges. Though the second respondent and other officials had proceeded to conduct the survey, they were prevented by respondents 5 and 6 to do so. Thereafter, petitioner had also made a police complaint before the fourth respondent on 16.05.2025 seeking police protection to conduct survey in the subject property. However, the respondents have not conducted the survey so far. Aggrieved by the same, the petitioner has filed the present writ petition.



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4. The learned Government Advocate, Mr.P.Ganesan appearing for Respondent No.1 to 3 would submit that they would consider the online application dated 22.04.2025 and measure and demarcate the subject property and pass appropriate orders within a time frame to be fixed by this Court, which was agreed to by the learned counsel for the petitioner.

5. It is further submitted by the learned Government Advocate that in case police protection is required they would request the 4th respondent. When this was pointed out, the learned Government Advocate, Mr.R.Kishore Kumar appearing for the 4th respondent would submit that if any such request is made adequate police protection will be granted.

6. In view thereof, the writ petition stands disposed of with a direction to the respondents 1 to 3 to consider the petitioner's online application dated 22.04.2025 and measure and demarcate the subject property and pass appropriate orders after putting the petitioner, respondents 5 and 6, adjacent land owners and any other interested parties/rival claimants if any on notice, within a period of 6 weeks from the date of uploading of the web copy without waiting for the receipt of certified copy. It is open to the respondents 1 to 3 to request for police protection before the 4th respondent. If any such request is made the 4th



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respondent is directed to provide adequate police protection for conducting the

survey. 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.

16.06.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

mrn

To:

- 1.The Tahsildar,
Mettur Taluk,
Mettur Dam,
Salem District.
- 2.The Taluk Head Surveyor,
Mettur Taluk,
Mettur Dam,
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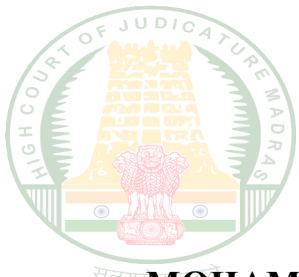
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MOHAMMED SHAFFIQ, J.

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Today, the case is listed under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. It is submitted by the learned counsel for petitioner that the writ petition was disposed of vide order dated 16.06.2025 and seeks clarification with regard to address of the 3rd respondent in the cause title, prayer and paragraph nos.2 and 3 that the expression “Mallikundam Revenue Village” may be replaced with “Pallipatti Revenue Village” in the order.

3. The learned counsel for respondents submitted that he has no objection to the above submission of the learned counsel for petitioner.

4. Heard both sides.

5. In view of the said submission made by the learned counsel for petitioner, 2nd and 3rd paragraphs of the order in W.P.No.20696 of 2025 dated 16.06.2025, is substituted with the following paragraph:

“2. The present writ petition is filed praying for a writ of mandamus to direct the respondents 1 to 3 to survey and demarcate boundaries of the petitioner's lands comprised in S.No.410/2, measuring an extent of 02.75.00 hectares, situated at Pallipatti Revenue Village, Mettur Taluk, Salem District with assistance of the fourth respondent police, within a stipulated time to be fixed by this Court.



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3.3. *It is submitted by the learned counsel for the petitioner that the property comprised in S.No.410/2, measuring an extent of 02.75.00 Hectares, situated at Pallipatti Revenue Village, Mettur Taluk, Salem District owned by the petitioner's father. Thereafter, the said properties were partitioned among the family members of the petitioner vide Partition deed dated 03.07.1952 vide Doc.No.1796/1952. However, there was no proper boundaries in the FMB of revenue authority with respect to the subject property. Hence, the petitioner submitted an on-line application dated 22.04.2025 before the respondents 1 and 2 to measure and demarcate boundaries of the subject property and has also paid necessary charges. Though the second respondent and other officials had proceeded to conduct the survey, they were prevented by respondents 5 and 6 to do so. Thereafter, petitioner had also made a police complaint before the fourth respondent on 16.05.2025 seeking police protection to conduct survey in the subject property. However, the respondents have not conducted the survey so far. Aggrieved by the same, the petitioner has filed the present writ petition. ”*

6. Except the above modification, all other paragraphs made in the earlier order dated 16.06.2025 shall remain intact. Registry is directed to carry out necessary corrections and issue the corrected order copy to the parties forthwith.

29.07.2025

mka