



W.P. No.21620 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.21620 of 2025

and

W.M.P.No.24394 of 2025

Rajathi

... Petitioner(s)

Vs.

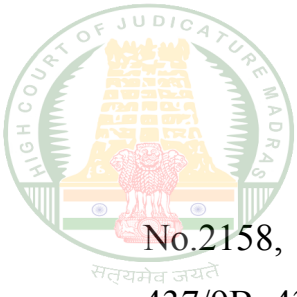
1. The District Collector,
Collectorate,
Salem District.

2. The Tahsildar,
Omalur Taluk, Omalur,
Salem District 636 455.

3. The Taluk Surveyor,
Office of Tahsildar, Omalur,
Salem District 636 455.

... Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in order bearing த.க.4148/2024/அ1 dated 13.11.2024, on the file of the 2nd respondent and quash the same and consequently direct the 2nd respondent to take necessary steps to survey the land in Chinna Pillayur, Kaatuvalavu, Thesavilaku Village, Omalur Taluk, Salem District 636 001, bearing Patta



W.P. No.21620 of 2025

No.2158, 1941, 311 containing Survey No.433/2C2, 437/7B2, 437/7C1, 433/1C, 437/9B, 437/C2.

For Petitioner(s) : Mr.S.Elangovan
for M/s.The Ram Gokul
Advocates Association

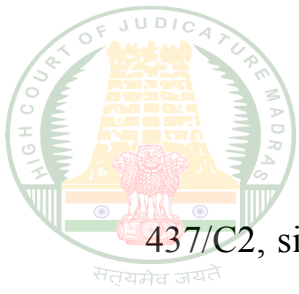
For R1 to R3 : Mr.A.Selvendran
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed praying for a writ of certiorarified mandamus, to quash the impugned order passed by the 2nd respondent bearing क्र.क.4148/2024/अ1 dated 13.11.2024 and to consequently direct the 2nd respondent to take necessary steps to survey the land comprised in Survey Nos.433/2C2, 437/7B2, 437/7C1, 433/1C, 437/9B, 437/C2 situated at Chinna Pillayur, Kaatuvalavu, Thesavilaku Village, Omalur Taluk, Salem District 636 001, bearing Patta No.2158, 1941, 311.

3. It is submitted by the learned counsel for the petitioner that the subject land comprised in Survey Nos.433/2C2, 437/7B2, 437/7C1, 433/1C, 437/9B,



W.P. No.21620 of 2025

437/C2, situated in Chinna Pillayur, Kaatuvalavu, Thesavilaku Village, Omalur Taluk, Salem District 636 001, bearing Patta Nos.2158, 1941, 311, was originally owned by petitioner's father. Petitioner acquired title of the subject property by way of a settlement from his father vide settlement deed dated 31.03.2004, registered as Doc.No.977/2004, in the file of SRO, Taramangalam.

3.1. It is submitted by the learned counsel for the petitioner that the petitioner took out an application to survey and demarcate the petitioner's property and had paid necessary fees. A representation dated 26.06.2024 was also submitted by the petitioner to the 3rd respondent seeking survey of the subject property. However no action was taken by the 3rd respondent. Aggrieved by the same, petitioner file a writ petition in W.P.No.21221 of 2024 praying to consider the petitioner's representation dated 26.06.2024, seeking survey and demarcate the petitioner's property. This Court vide order dated 30.07.2024, passed the following order:

“5. Considering the limited relief sought for in this writ petition, the respondents are directed to consider the representation of the petitioner dated 26.06.2024 and pass appropriate orders on the same, after giving notice to the neighbouring land owners and any other interest persons, within a period of two months from the date of receipt of a copy of this order.”

3.2. It is submitted by the learned counsel for the petitioner that pursuant to the above direction of this Court, the respondent considered the petitioner's



W.P. No.21620 of 2025

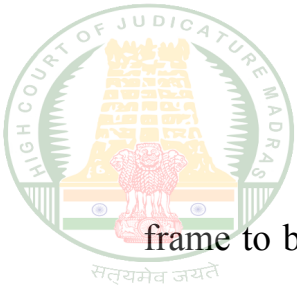
application. Thereafter, 2nd respondent passed the impugned order dated 13.11.2024, rejecting the petitioner's representation on the premise that a suit in A.S.No.7/2024 is pending before the Civil Court, Omalur. It is further submitted by the learned counsel for the petitioner that mere pendency of a suit or an appeal, cannot be a ground for refusing survey. In this regard reliance was placed in the judgment of this Court in W.P.8767 of 2024, wherein it was held as under:

“2. The impugned order has been passed by the fourth respondent, rejecting the request of the petitioner, mainly on the ground that civil suits are pending between the parties in O.S.Nos.89/2023 and 74/2023 on the file of District Munsif Court, Pappireddypatti.

3. On perusal of the records, it is seen that there is no interim order whatsoever in the above said suits. Therefore, mere survey of the land by the Government authorities as per the boundaries cannot take away the rights of the parties. In fact, documents also can be tested before the Civil Court in the pending suits.

4. In such view of the matter, let the fourth respondent give proper notice to the neighbouring land owners and the parties to the civil suits in O.S.Nos.89/2023 and 74/2023 on the file of District Munsif Court, Pappireddypatti, and measure the property in their presence within a period of three months from the date of receipt of this order.”

4. When this was pointed out the learned Special Government Pleader would submit that they would issue notice to the petitioner, adjacent land owners, other contesting parties in the appeal suit and any other interested party including rival claimants, if any and thereafter conduct a survey within a time



W.P. No.21620 of 2025

frame to be fixed by this Court, which was agreed to by the learned counsel for

WEB the petitioner.

5. In view thereof, if there is no interim order in the suit in A.S.No.7/2024, the respondents are directed to conduct survey of the petitioner's property, after issuing notice to the petitioner, adjacent land owners, other contesting parties in the appeal suit and any other interested party including rival claimants, if any, within a period of 12 weeks from the date of uploading of web copy without waiting for receipt of certified copy. 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, connected miscellaneous petition is closed.

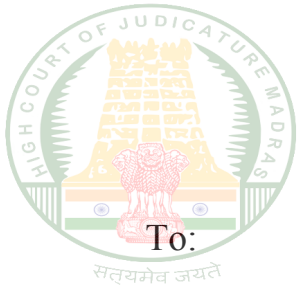
19.06.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

spp



W.P. No.21620 of 2025

To:

WEB COPY

1. The District Collector,
Collectorate,
Salem District.
2. The Tahsildar,
Omalur Taluk, Omalur,
Salem District 636 455.
3. The Taluk Surveyor,
Office of Tahsildar, Omalur,
Salem District 636 455.



WEB COPY



W.P. No.21620 of 2025

MOHAMMED SHAFFIQ, J.

spp

W.P. No.21620 of 2025

19.06.2025