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W.P.No.22685 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.22685 of 2025

P.Elumalai

... Petitioner(s)

Vs.

1.The Revenue Tahsildar,
Salem West Taluk,
Salem District.

2.M.Velliyangiri

...Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to conduct a survey and fix boundaries for my portion of S.F.Nos.70/5A2 for 19 cents, 70/5A3 for 9 cents, 70/5A1A for 24.5 cents and 70/5A1B for 2.5 cents Selethanpatti Village, Salem Taluk and District, by fixing boundaries after conducting survey on my online Application No.2025/0123/08/ 009314 dated 11.04.2025.

For Petitioner(s) : Mr.N.Manokaran

For Respondent(s) : Mr.S.J. Mohamed Sathik for R1
Government Advocate

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



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order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to 2nd respondent is dispensed with.

2.The present writ petition is filed praying for a Writ of Mandamus to direct the 1st respondent to conduct a survey and fix boundaries of petitioner's property comprised in S.F.Nos.70/5A2, measuring an extent of 19 cents, S.No.70/5A3, measuring an extent of 9 cents, S.No.70/5A1A, measuring an extent of 24.5 cents and S.No.70/5A1B, measuring an extent of 2.5 cents, situated at Selethanpatti Village, Salem Taluk and District.

3.It is submitted by the learned counsel for the petitioner that petitioner's mother viz., Pappathiammal purchased common half share out of 84 cents in S.F.No.70/5 with $\frac{1}{4}$ share in Well, measuring an extent of 6 cents in S.F.No.70/3, situated at Selethanpatti Village, Salem District vide Sale Deed dated 17.08.1953, registered as Document No.2405/1953. It is submitted that after the demise of Pappathiammal in 1980, petitioner being the only legal heir inherited the said property, has been in continuous possession and enjoyment of the above mentioned property.



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4.It is further submitted that petitioner's name is reflected in “A” register and also effected mutation in Patta No.605, for S.F.No.70/5B and joint patta No.639 for Well in S.F.No.70/3. It is submitted that petitioner filed a suit in O.S.No.1373 of 1989 for relief of declaration and permanent injunction in respect of the said property before the Principal District Munsif Court, Salem against one Karumunchi Gounder and his two sons, the same was dismissed on 21.04.1999. Subsequently, petitioner filed A.S.No.45 of 2000 before the III Additional District Court, Salem and the same was allowed by granting declaration and permanent injunction on 25.02.2002.

5.Learned counsel for petitioner submitted that petitioner was granted with patta measuring an extent of 27 cents instead of 42 cents in S.F.No.70/5B. It is submitted that petitioner submitted a petition dated 29.07.2010 to the Revenue Divisional Officer, Salem, who in turn directed the Revenue Tahsildar to conduct enquiry and submit a report. It is submitted that petitioner filed online application on 11.04.2025 seeking survey and fix boundaries for the survey numbers mentioned above.



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6.Learned Government Advocate for the 1st respondent would submit that they would conduct survey and fix boundaries of the subject property within a time frame to be fixed by this Court, which was agreed to by the learned counsel for the petitioner.

7.In view thereof, the writ petition stands disposed of with a direction to the 1st respondent to conduct survey and fix boundaries of the subject property, after putting the petitioner, 2nd respondent, adjacent land owners and other interested parties including rival claimants, if any, on notice, within a period of 8 weeks from the date of receipt of a copy of this order. 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.

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Index : Yes/ No
Speaking / Non Speaking Order
Neutral Citation: Yes/No
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To
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MOHAMMED SHAFFIQ, J.

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