



W.P.No.22102 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.22102 of 2025

M.Nagaraj

... Petitioner

Vs.

1. The Tahsildar,
Pethanaickanpalayam Taluk,
Salem District.

2. The Head Surveyour,
Surve Department (Land),
Pethanaickanpalayam Taluk,
Salem District.

3. The Inspector of Police,
Ethapur Police Station,
Salem District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to survey, demarcate and mark the four boundaries of the petitioner's property to an extent of 385 cents situated vide Patta Nos.115, 711, 667 in Survey Nos.183/6, 184/1, 184/4, 183/7, 184/3 in Chinna Samuthiram Village, Pethanaickanpalayam Taluk, Attur Post, Salem District and consequently, direct the third respondent to give a Police protection at the time of survey the land along within a specific period as fixed by this Court.



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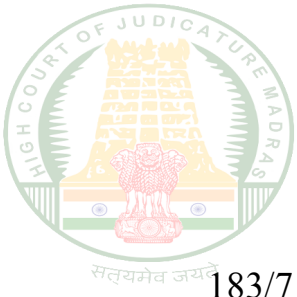
For Petitioner : Mr.P.Rengaraju
For Respondents : Mr.P.Sathish
Addl. Govt. Pleader for R1 & R2
Mr.R.Kishore Kumar
Govt. Advocate (Crl.Side) for R3

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing respondents 1 & 2 to survey and demarcate the property comprised in Patta Nos.115, 711 & 667 in Survey Nos.183/6, 184/1, 184/4, 183/7 & 184/3 measuring an extent of 385 cents situated at Chinna Samuthiram Village, Pethanaickanpalayam Taluk, Attur Post, Salem District and consequently, direct third respondent to give Police protection at the time of surveying the land.

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

3. The case of the petitioner is that he is the owner of the property comprised in Patta Nos.115, 711 & 667 in Survey Nos.183/6, 184/1, 184/4,



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183/7 & 184/3 measuring an extent of 385 cents situated at Chinna Samuthiram Village, Pethanaickanpalayam Taluk, Attur Post, Salem District by virtue of gift deed executed by petitioner's father and mother. The above gift deed was registered on the file of Sub Registrar Office, Pethanaickanpalayam vide Document No.3431 of 2008. Petitioner is in continuous possession and enjoyment of the subject property ever since the date of purchase. Petitioner wanted a survey to be conducted in the subject property. Therefore, he made an application to respondents 1 & 2 on 06.03.2025 enclosing all necessary details along with the prescribed payment of fee. When attempt was made to survey the property, there was resistance from neighbours. Hence, the present writ petition has been filed.

4. At the outset, it is submitted by Mr.P.Sathish, learned Special Government Pleader appearing for respondents 1 & 2 that they will consider petitioner's application and survey petitioner's land within a period of eight weeks, which was agreed to by learned counsel for petitioner.

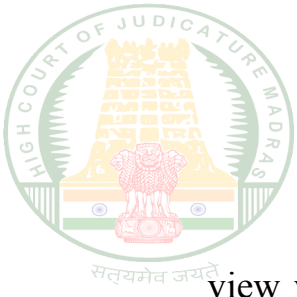


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5. It is further submitted by the learned Additional Government Pleader that in case Police protection is required, respondents 1 & 2 would request third respondent. When this was pointed out, learned Government Advocate (Crl.Side), appearing for third respondent would submit that if any such request is made, adequate police protection will be granted.

6. In view thereof, this Writ Petition stands disposed of with a direction to the concerned respondent to consider petitioner's application dated 06.03.2025 to carry out survey and demarcate the subject property and pass appropriate orders after putting petitioner, adjacent land owners and any other interested parties / rival claimants, if any, on notice within a period of eight weeks from the date of uploading of the web copy without waiting for the receipt of certified copy. It is open to respondents 1 & 2 to request for Police protection before third respondent. If any such request is made, third respondent is directed to provide adequate Police protection for conducting survey. It is made clear that this Court has not expressed any



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view with regard to the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law. No costs.

23.06.2025

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

vji

To

1. The Tahsildar,
Pethanaickanpalayam Taluk,
Salem District.
2. The Head Surveyour,
Surve Department (Land),
Pethanaickanpalayam Taluk,
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MOHAMMED SHAFFIQ, J.

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