



W.P.No.26302 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.26302 of 2025

K.M.Viswanathan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tiruchengode Taluk,
Namakkal District.

2.The Tahsildar,
Tiruchengode Taluk,
Namakkal District.

3.The Head Surveyor,
Tiruchengode Taluk,
Namakkal District.

4.The Inspector of Police,
Mallasamudram Police Station,
Namakkal District.

5.Saraswathi

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to survey the measurement of petitioner's properties by fixing the boundary stone for a properties comprised in S.No's.58/3C2, 59/1A2, 59/1C and 57/3C situated at Mallasamuthiram Keelmugam Village, Tiruchengode Taluk, Namakkal District representation dated 13.05.2021 and 16.06.2025 with 4th respondent police aid for survey of field measurement in pursuant to petitioner representation dated 23.06.2025.

For Petitioner	:	Mr.P.Dasarathan
For Respondents	:	Mr.R.Kishore Kumar Government Advocate (Crl.Side) for R4 Mr.P.Ganesan Government Advocate for R1 to R3

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 5th respondent is dispensed with.



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2. This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents 1 to 3 to survey the measurement of petitioner's properties by fixing the boundary stone for a properties comprised in S.No's.58/3C2, 59/1A2, 59/1C and 57/3C situated at Mallasamuthiram Keelmugam Village, Tiruchengode Taluk, Namakkal District representation dated 13.05.2021 and 16.06.2025 with 4th respondent police aid for survey of field measurement in pursuant to petitioner representation dated 23.06.2025.

3. The case of the petitioner is that he is the absolute owner of the subject property comprised survey No.57/3C at measuring to an extent of 0-44.00 Area (Hec/Areas) and survey No.59/1C at measuring to an extent of 0-87.00 Area (Hec/Areas), Survey No.58/3C2 at measuring to an extent of 0-10.00 Area(Hec/Areas), sq.ft, survey No.59/1A2 at measuring to an extent of 0-44.50 Area(Hec/Areas), situated at Mallasamudram Keelmugam



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Village, Tiruchengode Taluk, Namakkal District vide Settlement deed dated 30.11.2009 registered as Document No.3889 of 2009 on the file of S.R.O.Mallasamudram, Namakkal District. On 29.05.2017, the petitioner gave a representation to the 2nd respondent to survey the measurement of the subject property. While so, the 5th respondent had filed objection petition for the same, who is none other than petitioner's adjacent land owner.

4. It is submitted that the 5th respondent had filed two suits in O.S.No.297 of 2017 and O.S.No.104 of 2022 on the file of District Munsif Court, Tiruchengode against the petitioner and the respondents 2 and 3 for the very same relief of permanent injunction not to measure the suit properties without notice to the 5th respondent. Due to the pendency of the suits, petitioner's representation was kept pending. However, both the above suits was dismissed for default on 02.12.2020 and 23.01.2024 respectively.



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5. Thereafter, petitioner has submitted an online application for conducting a survey before the first respondent on 27.03.2024 and the same is kept pending. Petitioner made another application on 16.06.2025 to the 2nd respondent to survey by paying necessary fee. However, the same is also kept pending. Aggrieved by the same, the present writ petition has been filed.

6. At the outset, it is submitted by Mr.R.Kishore Kumar, learned Government Advocate for 4th respondent that respondent would consider the petitioner's application and measure the petitioner's land and survey the same within a period of eight weeks from the date of receipt of a copy of this order, which was agreed to by the learned counsel for petitioner.

7. In view thereof, this Writ Petition stands disposed of with a direction to respondent 4 to consider the petitioner's application dated 27.03.2024 and 16.06.2025 and carry out survey and measure the petitioner's land property and pass appropriate orders after putting the



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petitioner, adjacent land owners and any other rival claimants if any on notice within a period of eight weeks from the date of receipt of a copy of this order. It is open to the respondent 4 to request for police protection before the concerned respondent. If any such request is made, respondent is directed to provide adequate police protection for conducting the survey. It is made clear that this Court has not expressed any 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.

22.07.2025

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

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MOHAMMED SHAFFIQ, J.

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