



W.P.No.25490 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.25490 of 2025
&
W.M.P.No.28656 of 2025

1. C.Nagarathinam
2. P.Dharmaraj
3. M.Vengidapathi
4. G.Eswarsamy
5. D.Gunasekaran
- 6.Appayyan

... Petitioners

VS.

1. The District Collector
Collectorate Building
Tiruppur
2. The District Revenue Officer
Collectorate Building
Tiruppur
3. The Revenue Divisional Officer
Revenue Divisional Office
Udumalpet Taluk
Tiruppur District

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4. The Tahsildar
Udumalpet Taluk Office
Udumalpet

5. The Sub-Inspector of Surveyor
Udumalpet Taluk Office
Udumalpet

6. K.Soundarajan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the proceedings of the 5th respondent dated 23.06.2025 and quash the same as illegal and consequently direct the respondents 1 to 4 to conduct an enquiry and provide a fair opportunity to petitioners.

For petitioners : Mr. N.Umapathi

For Respondents : Mr. T.K.Saravanan
Additional Government Pleader
for R1 to R5

ORDER

[Order of the Court was made by M.SUNDAR, J.]

Captioned main 'Writ Petition' ['WP' for the sake of brevity] has been filed with a prayer seeking issue of a writ of certiorarified mandamus.



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2. In and vide the certiorari limb of the prayer, a simple, innocuous and terse notice of inspection issued by Sub-Taluk Surveyor (உள்ள வட்ட அளவாளர்) described as 'Sub-Inspector of Surveyor' (R5) has been assailed.

3. As regards the mandamus limb, it is a consequential prayer i.e., a prayer seeking to mandamus R1 to R4 (official respondents) to *inter alia* conducting an enquiry.

4. The genesis of the matter is an earlier writ petition being W.P.No.8997 of 2025 filed by one K.Soundarajan with a prayer to retrieve certain lands and use the same for welfare of the people, contending that 'lands admeasuring 4 acres or thereabouts in S.No.355 in Gudimangalam Village, Udumalpet Taluk, Udumalpet, Tiruppur District' [hereinafter 'said land' for the sake of convenience] were given by one Thiru.Subba Naicken, (writ petitioner's predecessor in the family) for the welfare of the people but the same has fallen in encroachment. This writ petition came to be disposed of by another Division Bench, to which one of us (M.SUNDAR.J.,) was a party in and vide order dated 18.03.2025 and a scanned copy of this order is as follows:



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W.P. No.8997 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.8997 of 2025

K.Soundarajan

vs.

Petitioner

1. The Additional Chief Secretary to the Government
Secretariat
Fort St. George
Chennai 600 009
2. The District Collector
District Collectorate
Tiruppur
Tiruppur District 641 604
3. The Revenue Divisional Officer
Revenue Divisional Office
Udumalpet Taluk
Udumalpet
Tiruppur District 641 601
4. The Tahsildar
Udumalpet Taluk Office
Udumalpet
Tiruppur District 642 126

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5. The Village Administrative Officer
Gudimangalam Village
Udumalpet Taluk
Udumalpet
Tiruppur District 642 202

6. Nagarathinam

7. Sivaraaj

8. Subbaiyan

9. Easwarasamy

10. Natarajan

11. Palanisamy

12. Gunasekaran

13. Venkatapathi

14. Vimala

15. The District Revenue Officer
Tiruppur District

Respondents

(R15 suo motu impleaded today)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 5 to conduct enquiry and recover the land and use the land for welfare of the people based on the petitioner's representation dated 31.01.2025.

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For petitioner	Mr. S. Arivazhagan for M. Gangatharan
For RR 1 to 5 and 15	Mr. T.K. Saravanan Additional Government Pleader

ORDER

[made by K. GOVINDARAJAN THILAKAVADI, J.]

This writ petition has been filed seeking a writ of mandamus directing the respondents 1 to 5 to conduct an enquiry and recover the lands in S.No.355 at Gudimangalam Village and use the said lands for the welfare of the people based on the petitioner's representation dated 31.01.2025.

2. It is the case of the writ petitioner that he is one of the legal heirs of the deceased Subba Naicken who gave his lands to an extent of 4 acres in S.No.355 at Gudimangalam Village for the welfare of the people by allowing them to utilise the water from a well managed by the Trustees of *Dharma Thanneer Pandhal Trust*; while so, he came to know that the aforesaid lands were given to the Government through a registered deed dated 27.03.1917 vide

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document no.641/1917; hence, he and other legal heirs of Subba Naicken filed a suit for declaring them as legal heirs in the District Munsif Court, Udumalpet, in O.S.No.379 of 2015; on 30.03.2016, one Vijayalakshmi, one of the legal heirs, by applying under the Right to Information Act, 2005, came to know that the lands in question at Gudimangalam Village stood in the name of Venkatasami Nayakkan, S/o Chinna Ganga Naicken @ Ganga Naicken; however, now, since the lands in the aforesaid survey number are in the names of third parties (seemingly private respondents), one Rangaraj, one of the legal heirs, addressed a representation dated 11.09.2017 to the second respondent to recover the lands from the alleged encroachers i.e., RR 6 to 14; for his part, the petitioner too addressed a representation dated 27.10.2021 to the third respondent enclosing relevant revenue records seeking issuance of patta in the name of *Dharma Thanneer Pandhal Trust*; since no action was taken on the said representation addressed by the writ petitioner, the writ petitioner filed W.P.No.5201 of 2023 (which was heard with a batch of other writ petitions) in which, a Single Bench of this Court, vide order dated 09.06.2023, gave a slew of directions on the manner of issuance of grant of patta qua Inam lands, Government assigned lands or natham poramboke lands;

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albeit the said order, since no action was forthcoming from the side of the official respondents, the writ petitioner addressed another representation dated 31.01.2025 to the authorities concerned to conduct an enquiry and recover the lands from the possession of the alleged encroachers so that the same can be used for the welfare of the poor masses; aggrieved by the inaction on the part of the official respondents notwithstanding his persistent efforts, the present writ petition has been filed seeking the relief stated in the opening paragraph.

3. Issue notice to official respondents (RR 1 to 5).

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for official respondents and submits that during the UDR settlement, pattas were wrongly issued. However, according to him, vide G.O. No.385, Revenue (Public-3) Department dated 17.08.2004, a District Revenue Officer is empowered to cancel pattas issued to wrong persons and to transfer the same in the names of those who are actually entitled to the same.

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WEB COPY 5. In the light of the above submission made by the learned State counsel, we deem it appropriate to implead *suo motu* the District Revenue Officer, Tiruppur District as R15 and we do so. Further, we direct R15, to pass suitable orders, of course, after affording an opportunity to the writ petitioner as well as private respondents, before passing final orders. It is made clear that all the rights and contentions of the writ petitioner as well as the private respondents stand preserved for the purpose of the same being raised before R15. We hasten to add that we are not expressing any opinion or view with regard to the rights of parties in respect of the lands in question and the same is left open to be decided by R15 after due consideration of representations given by the writ petitioner and private respondents.

6. With the above direction and observations, this writ petition stands disposed of. Costs made easy.

(M.S., J.) (K.G.T., J.)
18.03.2025

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5. As regards the impugned notice, which we have described as innocuous, simple and terse, the Sub-Taluk Surveyor has fixed 09.07.2025 as the date for survey of said lands. Learned counsel submits that the same has been rescheduled to 11.07.2025 (tomorrow). This submission is recorded.

6. Notwithstanding myriad grounds in the writ affidavit and multiple points set out in the writ affidavit, learned counsel for writ petitioners predicated his campaign against the impugned notice on one point and that one point is that an enquiry should be conducted before survey and this submission was made by resorting to Sections 9 and 10 of the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act No.VIII of 1923) [hereinafter 'said Act' for the sake of brevity and convenience] to deal with power of Survey Officer to determine and record undisputed as well as disputed boundaries. Sections 9 and 10 of said Act read as follows:

9. Power of survey officer to determine and record an undisputed boundary.-(1) The survey officer shall have power to determine and record as undisputed any boundary in respect of which no dispute is brought to his notice.

(2) Notice to registered holders of lands affected._ Notice of



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every decision of the survey officer under section 9(1) shall be given in the prescribed manner to the registered holders of the lands the boundaries of which may be affected the decision.

10. Power of Survey officer to determine and record a disputed boundary.-(1) *Where a boundary is disputed, the survey officer, after making such inquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The survey officer shall record in writing the reasons for his decision.*

(2) Notice to parties to the dispute and to registered holders of land affected.-Notice of every decision of the survey officer under section 10(1) shall be given in the prescribed manner to the parties to the dispute and other registered holders of the lands the boundaries of which may be affected by the decision.'

7. A careful perusal of the language in which Sections 9 and 10 of said Act are couched makes it clear that it does not come to the aid of the writ petitioners in his campaign against the impugned notice as the two provisions deal with power of Survey Officer to determine undisputed as well as disputed boundaries and in the case on hand, the issue is not disputed boundaries. In any event, as regards the writ petitioners' contention that an opportunity should be afforded to the writ petitioner, the earlier judicial order makes it clear that R15 thereat (The District Revenue



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Officer, Tiruppur District) {R2 in captioned WP} shall afford an opportunity.

8. Though we find no force or substance on the sole point on which the impugned notice is being assailed, as a matter of abundant caution, with the intention of ascertaining what R5-Sub-Taluk Officer intends to do on Friday (11.07.2025), we issued notice to official respondents (R1 to R5).

9. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 and submits on instructions that the Sub-Taluk Surveyor would only survey said lands in the presence of noticees qua impugned notice and send a report to his superior so that it is placed before R2 (R15 in the previous writ petition), who will afford an opportunity before passing orders as per our earlier order dated 18.03.2025.

10. The narrative thus far makes it clear that captioned WP is bereft of merits much less did it merit being moved as a Lunch Motion.

11. We reiterate the earlier order dated 18.03.2025 made in W.P.No.8997 of 2025. We also deem it appropriate to record that we notice that the Revenue Authorities have acted with promptitude qua our earlier order dated 18.03.2025 and the captioned WP in our view is an attempt to



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derail the survey. This merits imposition of costs.

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12. To be noted, of the six writ petitioners, at least four of them, namely Mr.C.Nagarathinam, Mr.M.Vengidapathi, Mr.G.Eswarasamy and Mr.D.Gunasekaran have been arrayed as private respondents in the earlier writ petition i.e., R6, R13, R9 and R12 respectively and in the earlier order, all their rights have been preserved and this is another reason for us to write that the captioned WP is clearly unwarranted.

13. We are informed by learned State counsel that R6 herein, who is the writ petitioner in earlier WP, has also been put on notice qua impugned notice. Therefore, we dispense with notice to R6 and take up the main WP with the consent of learned counsel for writ petitioners and learned State counsel. Though obvious, we make it clear that all the rights and contentions of R6 will stand preserved for proceedings which would continue as per our earlier order dated 18.03.2025 untrammelled by this order.



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In the light of the narrative thus far, captioned WP and WMP are

WEB CO dismissed being utterly bereft of merits. Nonetheless owing to fervent plea
of learned counsel for writ petitioners we refrain from imposing costs.

[M.S., J.]

[H.C., J.]

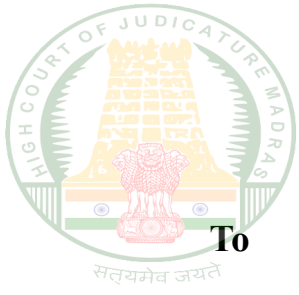
10.07.2025

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Neutral Citation : Yes / No

Speaking order / Non-speaking order
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To

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1. The District Collector
Collectorate Building
Tiruppur
2. The District Revenue Officer
Collectorate Building
Tiruppur
3. The Revenue Divisional Officer
Revenue Divisional Office
Udumalpet Taluk
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5. The Sub-Inspector of Surveyor
Udumalpet Taluk Office
Udumalpet



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M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

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