



W.P.No.36430 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2025

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CORAM
THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.36430 of 2025

K.Sampath

... Petitioner

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

3.The Revenue Divisional Officer,
Thiruvallur Sub-Division,
Thiruvallur.

4.The Tahsildar,
Uthukottai Taluk,
Uthukottai.

5.The Taluk Head-Surveyor,
Uthukottai Taluk,
Uthukottai.

6.Suresh

... Respondents



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Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation made on 19.05.2025 and directing both the 4th and 5th respondents not to survey the suit property in O.S.No.40/2022 pending on the file of District Munsiff cum Judicial Magistrate.

For Petitioner : Mr.V.P.Dillibabu

For Respondents 1 to 5 : Mrs.S.Indhu Bala,
Special Government Pleader

ORDER

The relief sought for in this writ petition is to direct the first respondent to consider the petitioner's representation made on 19.05.2025 and directing both the 4th and 5th respondents not to survey the suit property in O.S.No.40/2022 pending on the file of District Munsiff cum Judicial Magistrate.

2. Mrs.S.Indhu Bala, learned Special Government Pleader takes notice on behalf of respondents 1 to 3. By consent of both the parties, this writ petition is taken up for final hearing at the admission stage

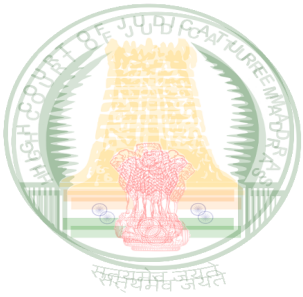


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itself.

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3. The case of the petitioner is that the petitioner is the owner of the agricultural lands comprised in S.Nos.338/2, 338/3 and 341/2 situated at Krishnapuram, Kandigai Village, Uthukottai Taluk, Tiruvallur District. Since there was dispute of encroachment between the sixth respondent, the petitioner has filed a suit for permanent injunction in O.S.No.40/2022, before the District Munsif, Uthukottai. Pending the suit, on the application of sixth respondent, the District Munsif Court had appointed an Advocate Commissioner to measure the property along with the help of fifth respondent and after measurement, they have also filed their report and there was no objection from both sides. But as against the earlier measurement, the sixth respondent colluding with the respondents 4 & 5 are trying to re-survey the suit property and threatening the petitioner to vacate the suit property, as per their new measurement. Even though the petitioner had lodged complaint before the first respondent, there is no action, till date. Hence, the petitioner has come forward with the present writ petition.

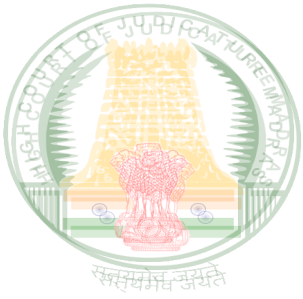


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4. Learned counsel for the petitioner would submit that admittedly both the parties are having land marks adjacent to each other. The allegation of the petitioner is that pending civil suit, the sixth respondent once again intend to measure the disputed property. It is his right to measure the property after the payment of necessary charges to the authority concerned. But, pending civil suit, the respondents 4 & 5 has not authority to evict the petitioner, as if he has allegedly encroached the sixth respondent's land.

5. Learned Special Government Pleader appearing for the respondents would submit that in the event the respondents receives any application for measurement, they will survey the subject property and fix the boundary stones and they will not involve in the process of any eviction, as contended by the petitioner.

6. Heard the learned counsel on either side and perused the materials available on record.



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7. Such being the case, the petitioner need not have any apprehension, if the respondents are making any measurement in the disputed property, at the request of sixth respondent. Therefore, the respondents are directed to survey and demarcate the property and fix the boundary stones, if they receive any application for measurement of the aforesaid property and it is also made clear that, it is not the job of the official respondents to make any attempt to evict any of the parties, under the pretext they are in the encroachment.

Accordingly, this writ petition is disposed of. No costs.

25.09.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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KRISHNAN RAMASAMY.J.,

vm

To

1.The District Collector,

5/6



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Thiruvallur District,
Thiruvallur.

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2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

3.The Revenue Divisional Officer,
Thiruvallur Sub-Division,
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4.The Tahsildar,
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