



W.P.No.29176 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2025

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Coram:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.29176 of 2025

Mekala

...Petitioner

Versus

1.The Tahsildar,
Omalur Taluk,
Salem District.

2.Seerangan

3.Arjunan

4.Chinnaiyar

5.Muththammal

6.Alagammal

7.Senthil

8.Sumathi

9.Rajkumar

10.Meena

11.Subramani

12.Ammasi

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to survey and point out the field boundaries of the petitioner's property comprised in survey numbers 70/5B & 70/2 at Thindamangalam Village, Omalur Taluk, Salem District to an extent of $(37 \frac{1}{2} + 3) = 40 \frac{1}{2}$ Cents by fixing stones and subsequently, issue separate Patta in favour of the petitioner in pursuance proceeding of the Sub Registrar, Omalur Salem District bearing No.TNIGRS/2024/rural/35640530/29082024172221 dated 29.08.2024.

For Petitioner : Ms.D.Gnanasoundari
For Respondents – 1 & 2: Mr.P.Sathish,
Additional Government Pleader

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 in this writ petition, notice to respondents 2 to 12 is dispensed with.

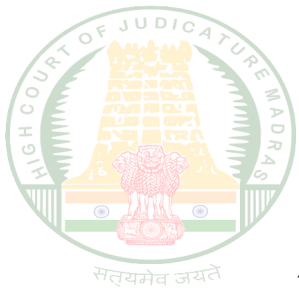
2. The relief sought in this writ petition is to quash the Order dated 17.03.2025 bearing Na.Ka.4152/2025/A1 passed by the 1st respondent and consequently direct 1st respondent to survey and point out the field boundaries of the petitioner's property comprised in Survey Numbers 70/5B & 70/2 measuring an extent of $40\frac{1}{2}$ Cents situated at Thindamangalam



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Village, Omalur Taluk, Salem District (hereinafter referred to as “subject property”) by fixing stones and subsequently, issue separate Patta in petitioner's favour.

3. The learned counsel for the petitioner submitted that the Sub Registrar, Omalur, Salem District issued the Proceedings dated 29.08.2024 stating that details for transferring the Patta of subject property in favour of petitioner has been sent to 1st respondent. However, 1st respondent did not transfer the Patta of subject property in petitioner's favour. Hence, aggrieved petitioner filed a writ petition in W.P.No.32150 of 2024 praying to direct 1st respondent to survey and point out the field boundaries of the subject property by fixing stones and subsequently, issue separate Patta in favour of the petitioner pursuant to the Proceedings dated 29.08.2024 bearing No.TNIGRS/2024/rural/35640530/29082024172221 issued by the Sub Registrar, Omalur, Salem District. This Court vide Order dated 28.10.2024, disposed of W.P.No.32150 of 2024 by directing the 1st respondent to act on the Proceedings dated 29.08.2024 issued by the Sub Registrar, Omalur, Salem District and pass final orders on its own merits, within a period of six weeks from the date of receipt of a copy of that order.



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3.1. It is further submitted by the learned counsel for the petitioner that pursuant to the aforesaid order of this Court, 1st respondent vide Order dated 17.03.2025, rejected the petitioner's request for issuance of separate Patta in respect of the subject property in petitioner's favour by citing the reason that a Original Suit in O.S.No.179 of 2024 filed before the District Munsif Court, Omalur regarding the title and right over the subject property, is pending. The learned counsel for the petitioner also submitted that mere pendency of a civil suit may not be a bar for conducting survey.

4. The learned Special Government Pleader appearing for the 1st respondent submitted that if the petitioner submits an Affidavit stating that there is no interim injunction order restraining the Revenue Officials from conducting survey in the subject property, 1st respondent would consider the petitioner's request and conduct survey in the subject property, within a time frame to be fixed by this Court. However, insofar as petitioner's request for issuance of patta in his name, learned Special Government Pleader would submit that in view of Rule 4(4) of Patta Passbook Rules, mutation of patta during pendency of suit regarding title may not be permissible.



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5. The learned counsel for the petitioner undertakes to submit an Affidavit before 1st respondent, stating that there is no order of any Court restraining conduct of survey of subject property, within a period of two weeks from the date of uploading of the web copy of this order.

6. Considering the submissions made by the learned counsel on either side, this Writ Petition is disposed of on the following terms:

(i) The impugned order dated 17.03.2025 passed by the 1st respondent is quashed.

(ii) It is open to the petitioner to submit an Affidavit stating that there is no interim injunction order restraining the Revenue Officials from conducting survey in the subject property, before 1st respondent within a period of 2 weeks from the date of uploading of web copy of this order.

(iii) On submission of such Affidavit by the petitioner, 1st respondent shall consider the petitioner's request for conducting survey in the subject property and pointing out the field boundaries of the subject property by fixing stones, in accordance with law, after issuing notice and affording an opportunity of hearing to the petitioner, respondents 2 to 12, adjacent land



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owners and all other interested parties including rival claimants, if any, within a period of twelve weeks from the date of uploading of the web copy of this order without waiting for the receipt of a certified copy of this order.

(iv) It is open to 1st respondent to call for any document/conduct enquiry to satisfy itself of the petitioner's entitlement for requesting survey of subject property.

(v) As far as issuance of separate Patta to the petitioner is concerned, the petitioner may submit appropriate Application and pay the necessary fees, after disposal of the suit in O.S.No.179 of 2024.

(vi) 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 1st respondent to consider the matter on its own merits and in accordance with law. Rights and contentions of the petitioner and all other interested parties are left open. No costs.

05.08.2025

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order

MOHAMMED SHAFFIQ, J.



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Omalur Taluk,
Salem District.

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