



W.P.No.29247 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.29247 of 2025

H.Sartaj

: Petitioner

Vs.

1.The Tasildhar,
Shoolagiri Taluk,
Krishnagiri District.

2.The Taluk Survey Inspector,
Shoolagiri Taluk,
Krishnagiri District.

3.S.M.Ganesan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus to call for the records of the orders passed by first respondent in his proceedings Na.Ka.60/2025 G1 dated 01.04.2025 and quash the same as illegal, incompetent and ultravires and consequently direct first and second respondents to survey and sub divide the land measuring 1259 sq.ft (119 sq.mtr) comprised in S.No.70/3B2B (Old S.No.70/3B) and 603 sq.ft (56 sq.mtr.) comprised in S.No.70/3B2B (Old S.No.70/3B) situated at Shoolagiri Village, Shoolagiri Taluk, Krishnagiri District in terms of communication made in Na.Ka.No.60/2025/G1 dated 09.01.2025 by respondents 1 and 2.

For Petitioner

: Mrs.M.Pavitra



W.P.No.29247 of 2025

WEB COPY

For Respondents : Mr.A.Selvendran
Special Government Pleader
for respondents 1 and 2

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 respondent No.3 is dispensed with.

2. The present writ petition is filed challenging the impugned proceedings dated 01.04.2025 whereby petitioner's request for survey with respect to property comprised in S.No.70/3B2B (Old S.No.70/3B) measuring an extent of 1259 sq.ft (119 sq.mtr) and measuring an extent of 603 sq.ft (56 sq.mtr.) situated at Shoolagiri Village, Shoolagiri Taluk, Krishnagiri District was refused on the premise that appeals in A.S.SR Nos.137 and 138 of 2025 are pending before the Principal District Judge, Krishnagiri in respect of subject property.

3. It is submitted by learned counsel for petitioner that originally two suits



W.P.No.29247 of 2025

WEB COPY

were filed in respect of subject property, O.S.No.72 of 2015 before the District Munsif Court, Hosur by third respondent which was transferred and renumbered as O.S.No.157 of 2021 before the Additional Sub-Ordinate Court, Hosur and O.S.No.49 of 2016 before the Additional Subordinate Court, Hosur by petitioner's vendor. The trial court by a common judgment dated 03.11.2023 partly allowed both the suits. Aggrieved by the same, third respondent preferred appeals. It is submitted by learned counsel for the petitioner that said appeals are yet to be numbered and they are only in SR stage in AS SR 137 and 138 of 2025. It is submitted that the impugned order thus suffers from an error apparent on the face of record inasmuch as it proceeds on the basis that appeals are pending.

4. Learned counsel for petitioner would also submit that mere pendency of a suit or an appeal may not be a bar for conducting survey and in this regard he would place reliance on a Circular dated 15.03.2021 in R.C.No.Q5/20403/2020 (sv), wherein in Clause (iv) & (v) of paragraph No.2, wherein it has been clarified that pendency of litigation is not a bar for conducting survey. The relevant portion is extracted hereunder:

"2. (iv) Pendency of litigation before Courts is not a bar for the authorities to conduct survey or



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W.P.No.29247 of 2025

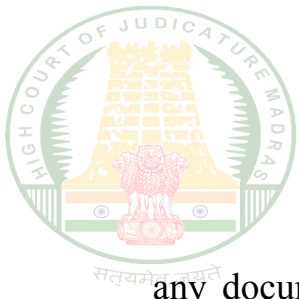
resurvey in the absence of any stay / interim order / interim injunction from proceeding further.

(v) In cases relating to pending civil dispute, the parties are at liberty to approach the appropriate forum for conducting Survey of Resurvey of the property in question by making necessary application and the same shall be considered by the appropriate forum in accordance with law."

5. At this stage, learned Special Government Pleader would submit that petitioner's request for conducting a survey in respect of subject property would be considered and appropriate orders would be passed within a time frame to be fixed by this Court, which was agreed to by the learned counsel for petitioner.

6. In view of the limited relief that is prayed, this court is inclined to dispose of the writ petition with following directions:

- i) The impugned order dated 01.04.2025 is set aside.
- ii) The first and second respondents shall consider the petitioner's request for survey in respect of subject property, in accordance with law, after issuing notice to the petitioner, third respondent, adjacent land owners and all other interested parties including rival claimants, if any.
- ii) Though facts have been set out extensively in the affidavit, this court does not propose to deal with it while leaving it open to respondents 1 and 2 to call for



W.P.No.29247 of 2025

any document/conduct enquiry to satisfy itself of the petitioner's entitlement for requesting survey of subject property.

iii) The entire process shall be completed/appropriate orders passed within a period of sixteen (16) weeks from the date of uploading of web copy without waiting for the receipt of certified copy.

iv) 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 the concerned 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.

7. Accordingly, the writ petition stands disposed of. There will be no order as to costs.

11.08.2025

Speaking (or) Non Speaking Order

Neutral Citation: Yes/No

mrn

To

1.The Tasildhar,
Shoolagiri Taluk,
Krishnagiri District.

2.The Taluk Survey Inspector,
Shoolagiri Taluk,

5/7



W.P.No.29247 of 2025

Krishnagiri District.

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MOHAMMED SHAFFIQ, J.

(mrn)



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W.P.No.29247 of 2025

W.P.No.29247 of 2025

11.08.2025