



W.P.No.32483 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**W.P.No.32483 of 2025
and
W.M.P.No. 36406 of 2025**

1.Parvathi

2.Gomathi

... Petitioners

Vs.

1.The Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Mettur, Salem District.

3.The Tahsildar,
Mettur, Salem District.

4.Kesavan

5.Ganesan



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6. The Superintendent of Police,

Rural Salem,
Salem District.

... Respondents

(R6- suo motu impleaded vide order dated 25.08.2025
by MSQJ)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorarified mandamus, calling for the records relating to the order passed by the 3rd respondent in O.Mu.No.2449-25-T dated 04.07.2025, quash the same and direct the 3rd respondent to survey the land in S.Nos.102/4B, 102/1C, 102/2C, 102/3C, 105/1A totally to the extent of 1.65 ½ Acre situated at Mel Road, Sappanipatti kattualavu, Sanarappatti Village, Vanavasi, Mettur Taluk, Salem District and issue patta to the petitioners based upon the settlement deed in D.No.6157/24 dated 18.11.2024 executed in favour of the petitioners and Will deed in D.No.9/25 dated 27.01.2025 executed in favour of the 2nd petitioner by the husband of the 1st petitioner.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.A.Selvendran
Spl. Govt. Pleader for R1 to R3
Mr.R.Kishore Kumar
Govt. Advocate (Crl. Side) for R6



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ORDER

This writ petition has been filed seeking issuance of a writ of certiorarified mandamus calling for the records relating to the order passed by the 3rd respondent in O.Mu.No.2449-25-T dated 04.07.2025, quash the same and direct the 3rd respondent to survey the land in S.Nos.102/4B, 102/1C, 102/2C, 102/3C, 105/1A totally measuring an extent of 1.65 ½ Acre situated at Mel Road, Sappanipatti kattualavu, Sanarappatti Village, Vanavasi, Mettur Taluk, Salem District and issue patta to the petitioners based upon the settlement deed in D.No.6157/24 dated 18.11.2024 executed in favour of the petitioners and Will deed in D.No.9/25 dated 27.01.2025 executed in favour of the 2nd petitioner by the husband of the 1st petitioner.

2. By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. Since no adverse order is going to be passed, notice to the 4th & 5th respondent is dispensed with.



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3. Since the Superintendent of Police, Rural Salem, Salem District is necessary party to this Writ petition, this Court suo motu impleaded him as 6th respondent in this writ petition. Mr.R.Kishore Kumar, learned Government Advocate (Crl. Side) takes notice for the newly impleaded party.

4. It is submitted by the learned counsel appearing for the petitioner that though the prayer in the writ petition is for survey as well as issuance of patta to the petitioners based on the settlement deed, he would submit that the petitioner is not pressing the second part of the prayer namely, issuance of patta, in view of the pendency of the suit. He would confine his relief sought to conducting the survey in respect of the subject property, which has been rejected only on the premise that the suit is pending.



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5. The learned counsel for the petitioners would further submit that mere pendency of the suit cannot be a bar to conduct a survey. In this regard, he relied upon the order of this Court in *Rajalakshmi v. The Thasildar and another* **W.P.(MD) No.5491 of 2023** dated **27.03.2023** wherein, it held as follows:-

“5. In view of the said pronouncement, a direction is given to the first respondent to proceed further to survey the lands of the petitioner. In this connection, the first respondent may also issue notice to the brother of the petitioner herein and thereafter if the property is identified, survey the lands. If there is a civil suit pending, the suit can only be for title and the measurement of the property be done after giving notice not only to the petitioner but also to the brother of the petitioner herein. If the first respondent is not inclined to do the survey, then, an order may be passed giving necessary reasons. But the judgment aforementioned can be kept in mind. Mere pendency of the suit without giving interim order is not a bar for conducting survey of the lands. A direction is therefore given. The entire exercise of surveying the land is to be completed within a period of six weeks from the date of receipt of a copy of this order.”

6. On this being pointed out, the learned Special Government

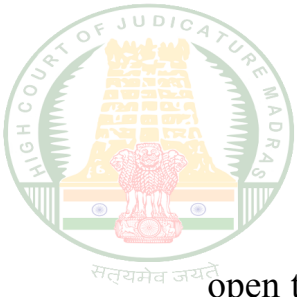


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Pleader would submit that they would consider the petitioner's request within a period of sixteen weeks, which was agreed to by the learned counsel for the petitioner. It is further submitted by the learned Special Government Pleader that in case Police protection is required, respondents 1 to 3 would request 6th respondent.

7. In view thereof, this Writ Petition stands disposed of with a direction to the concerned respondent to consider the petitioners' request and carry out survey and measure the petitioner's land by fixing a boundary stones and pass appropriate orders after putting the petitioner, respondents 4 & 5, adjacent land owners and any other rival claimants if any on notice within a period of sixteen weeks from the date of uploading of the web copy order without waiting for receipt of the certified copy. It is open to the respondents 1 to 3 to request for police protection before the 6th respondent. If any such request is made, 6th 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



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open to the concerned respondent to consider the case on its own merits and in accordance with law. It is open to the petitioner to apply for mutation of patta at a subsequent date. If any such application is made, the respondents shall consider the same in accordance with the provisions of Patta Passbook Act. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2025

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

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Note: Registry is directed to carry out necessary amendment in the cause title.

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MOHAMMED SHAFFIQ, J.

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