



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2025

WEB COPY

Coram:
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.33036 of 2025

Selvam

...Petitioner

Versus

- 1.The Tahsildar,
Kallakurichi Taluk,
Kallakurichi.
- 2.The Head Surveyor,
Kallakurichi Taluk,
Kallakurichi.
- 3.The Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi District.
- 4.Sengan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the order passed by the 1st respondent vide his proceedings in Na.Ka.A9/635/2025 dated 16.04.2025 and quash the same as illegal and incompetent subsequently direct the respondents to survey and demarcate



WEB COPY

the land in S.Nos.120/13D (0.21 Ares), 120/13F (0.23 Ares), 120/13I (0.12 Ares), 120/3D (0.3.5 Ares), 120/3G (0.20 Ares), 120/3K (0.26 Ares) in Pukkulam Village, Kallakurichi Taluk & District with 3rd respondent's police aid for survey and measurement.

For Petitioner : Mr.N.Ranjith Kumar
For Respondents – 1 & 2: Mr.A.Selvendran,
Special Government Pleader
For Respondent – 3 : Mr.R.Kishore Kumar,
Government Advocate (Crl.Side)

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 4th respondent is dispensed with.

2. The relief sought in this writ petition is to quash the Order dated 16.04.2025 bearing Na.Ka.A9/635/2025 passed by the 1st respondent and subsequently, to direct respondents 1 & 2 to survey and demarcate the land comprised in S.Nos.120/13D (0.21 Ares), 120/13F (0.23 Ares), 120/13I (0.12 Ares), 120/3D (0.3.5 Ares), 120/3G (0.20 Ares), 120/3K (0.26 Ares)

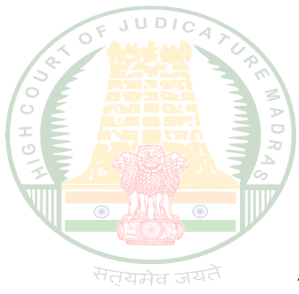


WEB COPY

situated at Pukkulam Village, Kallakurichi Taluk & District (hereinafter referred to as “subject property”) with the aid of 3rd respondent Police.

3. The learned counsel for petitioner submitted that petitioner submitted an Online Application dated 23.09.2024 seeking to survey and demarcate the subject property, however, respondents 1 & 2 did not taken any steps to survey and demarcate the subject property. Therefore, petitioner filed a writ petition in W.P.No.36202 of 2024 praying to direct the respondents 1 & 2 to survey and demarcate the subject property based on his Online Application dated 23.09.2024.

3.1. It is further submitted by the learned counsel for petitioner that this Court vide Order dated 06.12.2024, allowed W.P.No.36202 of 2024 directing respondents 1 & 2 to issue notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and demarcating the subject property or rejecting the petitioner's request, within a period of six weeks from the date of receipt of a copy of that order.



WEB COPY

3.2. The learned counsel for the petitioner further submitted that pursuant to the aforesaid order of this Court, 1st respondent vide impugned Proceedings dated 16.04.2025, rejected petitioner's Online Application dated 23.09.2024 by citing the following reasons:

- (i) Writ Petition in W.P.Nos.21874 & 21876 of 2023 relating to the subject property is pending before this Court;
- (ii) Petitioner is not in possession of the subject property and no separate Patta has been issued in the name of petitioner in respect of the subject property; and
- (iii) 4th respondent is in possession of the subject property.

3.3. The learned counsel for the petitioner submitted that Mr.Ponnusamy & Mrs.Sumathi have filed Civil Miscellaneous Petitions in C.M.P.Nos.21874 & 21876 of 2023 before this Court seeking to condone the delay of 545 days in filing the Second Appeals which is in SR stage. He also submitted that petitioner is not arrayed as a party in C.M.P.Nos.21874 & 21876 of 2023, as such, 1st respondent has erroneously rejected the petitioner's Online Application on the ground that W.P.Nos.21874 & 21876



WEB COPY

of 2023 is pending before this Court. Therefore, the learned counsel submitted that the impugned proceedings issued by 1st respondent is liable to be quashed.

4. The learned Special Government Pleader appearing for respondents 1 & 2 submitted that if petitioner submits an Affidavit stating that there is no interim order restraining the Revenue Officials from conducting survey in the subject property, petitioner's request for survey and demarcation of the subject property would be considered, within a time frame to be fixed by this Court.

5. The learned counsel for the petitioner submitted that petitioner would submit such undertaking Affidavit before respondents 1 & 2.

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 Proceedings dated 16.04.2025 issued by 1st respondent is quashed.



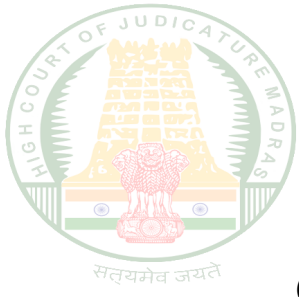
WEB COPY

(ii) It is open to the petitioner to submit an Affidavit stating that there is no interim order restraining the Revenue Officials from conducting survey in the subject property, before the respondents 1 & 2.

(iii) On submission of such Affidavit by petitioner, respondents 1 & 2 shall consider the petitioner's request for survey and demarcation of the subject property in accordance with law, after issuing notice and affording an opportunity of hearing to petitioner, 4th respondent, adjacent land owners and all other interested parties including rival claimants, if any, within a period of sixteen 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 respondents 1 & 2 to call for any document/conduct enquiry to satisfy itself of the petitioner's entitlement for requesting survey of subject property.

(v) 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 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.



WEB COPY

(vi) It is also open to the respondents 1 & 2 to request 3rd respondent, for providing police protection, if the same is required. If any such request is made, 3rd respondent shall provide adequate police protection for conducting survey in the subject property. No costs.

29.08.2025

mrr

Index : Yes/No

To

- 1.The Tahsildar,
Kallakurichi Taluk,
Kallakurichi.
- 2.The Head Surveyor,
Kallakurichi Taluk,
Kallakurichi.
- 3.The Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi District.



WEB COPY



MOHAMMED SHAFFIQ, J.

mrr

W.P.No.33036 of 2025

29.08.2025