



WEB COPY



W.A.No.2776 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.2776 of 2025
and
C.M.P.No.22317 of 2025

1. Kathalingam
2. Ayyandurai
3. Murugan
4. Marimuthu

... Appellants

-Vs-

1. The Tahsildar,
Mettur Taluk,
Mettur Dam,
Salem District.
2. The Taluk Head Surveyor,
Mettur Taluk,
Mettur Dam,
Salem District.
3. The Inspector of Police,
Mecheri Police Station,
Mecheri - 636 453,



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Mettur Taluk,
Mettur Dam,
Salem District.

4. Sundarai

5. Venkatachalam

... Respondents

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 12.06.2025 in W.P.No.17823 of 2025.

For Appellants : Mr.M.Gnanasekar

For Respondents : Mr.T.Chezhiyan
Add. Government Pleader for R1 to R3

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 12.06.2025 made in W.P.No.17823 of 2025.

2. That the private respondents 4 & 5 herein had moved the said writ petition seeking for a writ of mandamus to direct the official respondents to



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survey and demarcate the boundaries of the writ petitioners' land comprised in

Survey Nos.557/1C1, 557/1C2, 532/9A and 562/9B measuring an extent of 0.48.50 hectares situated at Mallikundam Revenue Village, Mettur Taluk, Salem District with the assistance of the third respondent Police.

3. The writ Court having heard all the parties including the present appellants who stood as respondents 4 to 7 in the said writ petition had given a direction to the official respondents therein who are the official respondents herein also to survey the land and to identify the four boundaries of the land belonging to the petitioners of course after giving notice to both the petitioners as well as the private respondents who are the appellants herein.

4. Aggrieved over the said order, the respondents 4 to 7 in the writ petition who are the appellants herein have filed the present appeal. On their behalf, Mr.M.Gnanasekar, learned counsel appearing for the appellants would contend that, insofar as surveying of the land claimed to have been belonged to the writ petitioners is concerned, the only objection that has been raised by the



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present appellants is that there has been pathway run across the subject land

belonging to the writ petitioners which has been using by the present appellants

and their predecessor-in-title for nine decades. Merely because if the survey is

conducted, based on which, the easementary right which includes the ingress

and egress right of the appellants shall not be disturbed, as for getting such

right, already the appellants approached the civil Court and filed the suit.

5. We have heard Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the respondents 1 to 3 and in view of the order that is going to be passed in this writ appeal, no notice is issued to the private respondents 4 & 5 who stood as writ petitioners.

6. The prayer sought for in the writ petition was innocuous in nature where only a mandamus is sought to survey the land belonging to the petitioners which was allowed by the learned Judge of course with a rider to give notice to all parties including the present appellants.



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7. If such a survey is taken place and four boundaries of the writ petitioners' land is identified, that would not *ipso facto* give rights to claim over the entire properties against the appellants provided if the appellants are able to establish the easementary rights before the Competent Civil Court where they have already approached and claimed to have filed a civil suit.

8. With these observations, this Writ Appeal is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)
15.09.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



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