



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 41660 of 2025

AND

WMP NO. 46685 OF 2025

1. S. Rajendran
S/o.Subramani, Anna Nagar
Village, Thazhankunam,
Melmalaiyanur Taluk, Villupuram
District

Petitioner(s)

Vs

1. The Tahsildar
Melmalaiyanur Taluk,
Melmalaiyanur, Villupuram
District

2.The Taluk Surveyor
Taluk Office, Melamalaiyanur,
Villupuram District

3.The Sub Inspector Of Police
Avalurpet Police Station,
Avalurpet, Villupuram District

4.K.Karthikeyan
S/o.Kannan, Anna Nagar Village,
Thazhankunam, Melmalaiyanur
Taluk, Villupuram District

5.Arul Jothi
S/o.Velu, Anna Nagar Village,
Thazhankunam, Melmalaiyanur
Taluk, Villupuram District



6.KATHIRVELU

S/o.Ellappan, Anna Nagar Village,
Thazhankunam, Melmalaiyanur
Taluk, Villupuram District

Respondent(s)

WMP No. 46685 of 2025

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Taluk, Villupuram District

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to consider the application Nos.2025/0123/07/009434 dated 31.7.2025 and 2025/0123/07/009095 dated 14.7.2025 and directing the 1- 3 respondents to conduct a survey of the land and demarcate the boundaries in survey Nos.218/1A2, 223/2C2 and 223/3C is located in Thazhankunam village, Melmalaiyanur Taluk, Villupuram District by exercising power under section 10 of the survey and boundaries Act 1923.

For Petitioner(s): Mr.R.Prakalathan
For Mr.D.Ravichander
Respondent(s): Special Government Pleader
for R1 and R2
Mr.L.Baskaran,
Government Advocate[CrI.
Side] for R3

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 1 to 3 to act upon the application submitted by the petitioner dated 14.07.2025 and 31.07.2025 wherein the petitioner has sought for the survey and demarcation of boundaries with respect to the subject property.



2. Heard Mr.R.Prakalathan, learned counsel for the petitioner and Mr.D.Ravi Chander, learned Special Government Pleader for respondents 1 and 2 and Mr.L.Baskaran, learned Government Advocate[Criminal side] for 3rd respondent.

3. When the matter was taken up for hearing today, the learned Special Government Pleader appearing for respondents 1 and 2 submitted that the 2nd respondent acted upon the application submitted by the petitioner and went for survey of the property. However, the same was objected by the respondents 4 and 5 which resulted in registration of FIR by the 3rd respondent police. Thereafter, no effort was taken for conducting the survey.

4. In the considered view of this Court, the petitioner is relying upon certain title documents. The petitioner is also relying upon the joint patta that stands in his name in Patta No.2309. Therefore, the petitioner will be entitled to seek a survey of the subject property for sub-dividing the land and for issuance of a separate patta. Unless and otherwise the private respondents have already approached a Civil Court and had obtained any restraint order against the petitioner, they cannot physically prevent the authorities from conducting their statutory duty.



5. In view of the above, there shall be a direction to the respondents 1 and 2 to act upon the application submitted by the petitioner and to conduct the survey in the subject property based on the title documents of the petitioner and the joint patta that stands in the name of the petitioner and such survey shall be conducted in the presence of respondents 4 and 5. If in case there is any resistance which will lead to any law and order problem, the 3rd respondent shall grant necessary police protection. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

04-11-2025

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



To

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