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W.A.No.3905 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM :
THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.3905 of 2025

Sivakumar .. Appellant
Vs.

1. R.Thavaisiraj

2. The Tahsildar
Mettur Taluk, Salem District.

3. The Inspector of Police
Kolathur Police Station, Salem District.

4. Palanisamy

5. Kannammal .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P.No.32201 of 2025 dated 22.08.2025.

For the Appellant : Mr.M.Dinesh

For the Respondents : Mr.Hasnah P
for R1

Mr.T.K.Saravanan
Additional Government Pleader
for R2 and R3

JUDGMENT

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

The present writ appeal has been directed against the order passed by the Writ Court dated 22.08.2025 made in W.P.No.32201 of 2025.



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2. That the present appellant was the third respondent in the said writ petition. The present first respondent was the writ petitioner, who claims to be the owner of the property to the extent of 7.94 cents at Old Survey No.279, New Survey No.279/1 situated at Kannamoochi Village, Mettur Taluk, Salem District. In order to survey the land to identify the four boundaries and to lay the boundary stones, he had given an application to the Revenue Tahsildar and since he has not acted upon to survey the land, he has approached the Writ Court by filing the said writ petition, seeking a writ of mandamus.

3. In the said writ petition, apart from the official respondents like the Tahsildar and Inspector of Police, three private respondents have been impleaded including the present appellant. It was the grievance of the writ petitioner before the Writ Court that, the three private respondents, including the present appellant, are preventing the proposed survey to be conducted by the Revenue Tahsildar under the guise of claiming ownership of the property.

4. At this juncture, the writ petition was considered and decided by the Writ Court through the order impugned dated



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22.08.2025, whereby, the learned Judge has passed the following orders:-

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

i) It is open to the petitioner to submit an online application before the first respondent seeking survey of the subject property. If any such online application is filed, first respondent shall consider the same and pass appropriate orders, after issuing notice to the petitioner, respondents 3 to 5, adjacent land owners and all other interested parties including rival claimants, if any, in accordance with law.

ii) 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.

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

Aggrieved over the said order only, the present writ appeal has been filed by the appellant, that is the third respondent in the writ petition.

5. Heard *Mr.M.Dinesh*, learned counsel for the appellant, who would submit that, the land in question originally belongs to one *Andi Gounder*, with whom, the father of the present appellant



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entered into a sale agreement after paying a considerable amount of sale consideration, however, the said *Andi Gounder* has not executed the sale deed as agreed upon. Therefore, in order to execute the sale deed, the appellant had already filed a civil suit before the concerned Civil Court. In the meanwhile, the said *Andi Gounder* seems to have executed the sale deed in favour of the first respondent, that is the writ petitioner. That is how the first respondent/writ petitioner has come to the property as owner and in that capacity only he sought survey of the land, is the case projected by the learned counsel appearing for the appellant.

6. We have heard *Mr.T.K.Saravanan*, learned Additional Government Pleader appearing for respondents 2 and 3, who would submit that, pursuant to the order impugned passed by the Writ Court, already, the Revenue Tahsildar has conducted a survey in the presence of the concerned parties and after identifying the four boundaries, a statement to that effect has been made in the counter filed by the first respondent/writ petitioner. Proceedings to that effect also had been issued on 12.12.2025 by the Tahsildar, which has been produced before us.



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7. This factor is not controverted by *Mr.Hasnah P*, the learned counsel for the first respondent, as well as *Mr.M.Dinesh*, the learned counsel for the appellant.

8. Be that as it may, there are two issues; one is that the order impugned passed by the Writ Court has been fully complied with by the official respondents, namely the Tahsildar and secondly, insofar as the claim made by the present appellant is concerned, on the strength of the sale agreement, if any agreement is entered into between the original owner *Andi Gounder* and the father of the present appellant and whether such sale agreement is to be executed or not is a matter to be gone into by the Civil Court, for which, already, a Civil Suit is pending. Therefore, at this juncture, no ownership could be claimed by the appellant, unless the Civil Court passes any decree and judgment in favour of the appellant.

9. In that view of the matter, absolutely, there is no impediment for the Revenue Tahsildar to go ahead with the order passed by the Writ Court to comply the same, which, in fact, has already been completely complied with by the Tahsildar as per the report dated 12.12.2025, therefore, nothing survives in the present appeal to be adjudicated further.



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10. Recording the same, since this writ appeal is liable to be dismissed, it is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.31803 of 2025 is closed.

(R.S.K., J.) (S.S.A., J.)
18.12.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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To:

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1. The Tahsildar
Mettur Taluk, Salem District.
2. The Inspector of Police
Kolathur Police Station, Salem District.



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R. SURESH KUMAR, J.
AND
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