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WP No. 43270 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 43270 of 2025
and WMP Nos. 48452 & 48453 of 2025**

E.S.Mylesamy

Petitioner(s)

Vs

1. The District Collector

Salem District, Salem

2.The Tahsildhar

Attur Taluk, Attur, Salem District

3.The Head Surveyor

Attur Taluk Office,

Attur, Salem District

4.The Inspector Of Police

Malliakarai Police Station,

Attur Taluk, Salem District

5.S. Palanivel

Respondent(s)



PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the 2nd respondent in his proceedings No. Mae. Aae. No 2025 / 0123/ 08 / 009810, dated 30.10.2025, and quash the same.

For Petitioner(s): Mr.B.Jawahar

For Respondent(s): Mr.D.Ravichander
Special Government Pleader
for R1 to R3

Mr.L.Baskaran
Government Advocate
for R4

ORDER

This writ petition has been filed challenging the impugned summons issued by the 2nd respondent dated 30.10.2025.

2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.



3.The 2nd respondent was in the process of conducting a survey pursuant to the earlier order passed by this Court in W.P.No.34552 of 2025 dated 15.09.2025. The relevant portions are extracted hereunder:

2.This Writ Petition has been filed seeking for a direction to the 2nd and 3rd respondents to measure the petitioner-s property in Survey No. 11/2A1 land to an extent of about 1 acre 35 cents and in S.No. 11/2C land to an extent of about 93 cents in Echampatti Village, Attur Taluk, Salem district by disposing of the petitioner-s online application dated 02.05.2025 vide petition No. 2025/ 0123/ 08/ 009810 with the aid of the 4th respondent within a time to be stipulated by this Court.

3.The learned counsel for the petitioner would submit that the petitioner is the absolute owner of the property. The petitioner submitted an online application to the respondents 2 and 3 on 02.05.2025 to survey his property and mark the boundaries. He has also paid necessary fees. However, the petitioner-s application was not considered by the said



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respondents till date, thus the present writ petition has been filed before this Court.

4.The learned Government Advocate appearing for the respondents 1 to 3 would submit that the respondent concerned would consider the petitioner-s application and carry out a survey and fix boundary stones at the subject property within a time frame fixed by this Court, which was agreed to by the learned counsel for the petitioner.

5.In view thereof, the writ petition stands disposed of with the direction to the respondent concerned to consider the application of the petitioner dated 02.05.2025, carry out a survey, demarcate the property and thereafter fix boundary stones at the subject property, within a period of 4 weeks from the date of receipt of a copy of this order after giving prior notice and reasonable opportunity of hearing to the petitioner, adjacent land owners and other interested parties, including rival claimants, if any. The respondents are at liberty to seek police protection, if need arises. No costs.



4. Pursuant to the above order, when steps were taken by the 2nd respondent to survey the property, objections were raised by the petitioner. In view of the same, the 2nd respondent issued the summons to the petitioner to attend for an enquiry to enable the petitioner to submit the relevant documents based on which the petitioner is objecting. In fact, even when the writ petition was disposed of, this Court had directed notice to be given to the rival parties and reasonable opportunity of hearing. Therefore, if the 2nd respondent is issuing summons to the petitioner calling upon the petitioner to submit the relevant documents and the ground on which the petitioner is objecting, the petitioner cannot approach this Court and question the summons. Rather the petitioner has to submit all the relevant materials before the 2nd respondent. Hence, if the petitioner has given the objections and submitted the relevant documents, the same shall be taken into consideration by the 2nd respondent in line with the earlier order passed by this Court in W.P.No.34552 of 2025 dated 15.09.2025. Except giving this clarification, no further orders can be passed in this writ petition.



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5.This writ petition is disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petitions are closed.

13-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

ssr



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Salem District, Salem

2.The Tahsildhar
Attur Taluk, Attur, Salem District

3.The Head Surveyor
Attur Taluk Office, Attur,
Salem District

4.The Insector Of Police
Malliakarai Police Station,
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