



WEB COPY



WA No. 3503 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 3503 of 2025 AND
CMP Nos.28693 and 28697 OF 2025

1. V. Durvasulu
S/O.Venkatadiri, Raja Street, Mukundram Village,
Venkatapuram Post, Gudiyatham Taluk, Vellore
District.
2. A.Bharathi
W/o. Late Adikesavulu, Raja Street, Mukundram
Village, Venkatapuram Post, Gudiyatham Taluk,
Vellore District.

..Appellants

Vs

1. B.Jayanthi
W/o.Babu @ Arul, No.43, Darji Varadhyan Street,
Nellorepettai, Gudiyatham, Vellore District.
2. The Tahsildar
Gudiyatham Taluk, Vellore District.
3. The Superintendent Of Police
Vellore District
4. The Inspector Police
Gudiyatham Rural Police Station, Vellore District.
5. G.Purushothaman
S/O.Guvaiah Naidu, Raja Street, Mukundram Village,
Venkatapuram Post, Gudiyatham.



WA No. 3503 of 2025

6. D.Murali Seethapathi
S/O.Durasamy Naidu, Raja Street, Mukundram
Village, Venkatapuram Post, Gudiyatham.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 22.10.2025 passed in W.P.No.10495 of 2025.

For Appellants : Mr.R.Radhakrishnan
For Respondents : Mr.R.Sankarasubbu - For R1

Judgment
(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal has been directed against the order passed by the learned Writ Court dated 22.10.2025 in W.P.No.10495 of 2025.

2. In respect of the property at Old Survey No.22/1, New Survey No.22/15 admeasuring 40 Sq.Mtr situated at Mukundram Village, Gudiyatham Taluk, Vellore District, there has been a dispute as to whether the property exclusively belongs to the first respondent / writ petitioner or the present appellants. The present appellants claim that a part of the property belongs to them is being used as a pathway to have an access to the property belongs to the first respondent and he claims that it is his exclusive property.

3. In this context, even though the parties had approached the Civil Court and filed a civil suit which is pending, where no prohibitory orders are passed, the present move is made by the first respondent / writ petitioner to conduct survey of



the land and requisite fee has also been paid to the revenue authorities to conduct survey only to get the order executed for conducting the survey seeking a writ of mandamus, which was allowed by the learned Writ Court, with the following directions.

“ 4. In view of the above, the first respondent is directed to survey the petitioner’s aforesaid land based on the title deed produced by the petitioner, after issuance of notice to the adjacent land owners and counter parties, if any, and to serve the survey report to the petitioner, within a period of six weeks from the date of receipt of copy of this order. It is made clear, that if the surveyor finds any difficulty or hindrance from any third party while surveying the petitioner-s property, he can very well approach the concerned jurisdictional police to seek police aid. On receipt of the same, the concerned jurisdictional police shall provide adequate police protection to conduct survey on the petitioner’s property.”

4. The learned Judge in fact directed to issue notice to the adjacent land owners / counter parties if any and conduct the survey, where, if any hindrance is caused by any third parties, police protection also can be sought for, based on which, after completing the survey, a report be served on the writ petitioner / first respondent herein.



WA No. 3503 of 2025

5. The said order, according to the appellants herein is infringing the right of the appellants to make a claim that the appellants have been using it as a pathway. Such an easementary right must flow either from the document or by way of civil Court decree declared to that effect. In this context, if at all the appellant has got any grievance, he has to get such an easementary right either in the pending suit or in any new suit by letting in evidence. However, that situation cannot detain the revenue authorities from surveying the land as it is their duty to survey if any person makes an application to survey the land and pays the fees. When such an innocuous prayer has been made in the writ petition to survey the property, the learned Writ Court was perfectly justified in passing an order directing the first respondent therein to survey the land after issuance of notice to the adjacent land owners, including the present appellants also. The said order, in our considered view, does not warrant any interference.

6. In the result, the writ appeal fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (S.S.A.,J.)
09-12-2025

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



WA No. 3503 of 2025

To

1. The Tahsildar
Gudiyatham Taluk, Vellore District.
2. The Superintendent Of Police
Vellore District
3. The Inspector Police
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WA No. 3503 of 2025

**R.SURESH KUMAR J.
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KST

WA No. 3503 of 2025

09-12-2025

Page 6 of 6