



WEB COPY

WP No. 2408 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 2408 of 2026

Kalaiselvi

..Petitioner(s)

Vs

1. The Tahsildar
Tiruchengode Taluk,
Namakkal District.
2. Palaniyammal
3. Rangammal
4. Saraswathi

..Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorari to call for the records pertaining to the impugned orders passed by the 1st Respondent dated 30.04.2025 in proceedings No.2025/0105/9/337258 and quash the same and subsequently direct the 1st Respondent to survey and point out the field boundaries of the petitioner's property compressed in Survey No.7/1A1 at Thottipalayam Village, Tiruchengode Taluk, Namakkal District to an extent of 1 Acre 59 Cents by fixing stones, issue separate patta in favor of the petitioner with police aid at the time of surveying the petitioner's above said property.

For Petitioner(s): Mr. C.Deepakkumar

For Respondent(s): Mr.C.Jayaprakash, GA, for R1
Mr.T.Muthukrishnan for R2 to R4



ORDER

This writ petition has been filed challenging the impugned order dated 30.04.2025 passed by the first respondent rejecting the petitioner's request for survey and demarcation on the ground that the respondents 2 to 4 have raised objections.

2. However, as seen from the impugned order, this Court finds that it is a non-speaking order with regard to the contention of the petitioner, who claims that pendency of a civil suit is not a bar for conducting survey and demarcation of the boundaries. The learned counsel for the petitioner also relies upon a decision rendered by the Madurai Bench of this Court to support his contention that pendency of the civil suit does not bar the conduct of the survey and demarcation of the boundaries.

3. Mr.C.Jayaprakash, learned Government Advocate, accepts notice on behalf of the first respondent. Mr.T.Muthukrishnan, learned counsel for the respondents 2 to 4, undertakes to file vakalat on behalf of the respondents 2 to 4, and on instructions, he submits that in view of pendency of the civil suit, the petitioner does not have the right to survey and demarcate the boundaries, and therefore, the first respondent has rightly rejected the petitioner's request for survey and demarcation of the boundaries under the impugned order.



4. Being a non-speaking order with regard to the contentions of the respective parties, this Court is of the considered view that the impugned order has to be quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law, after hearing the contention of the petitioner as well as the objections raised by the respondents 2 to 4. Accordingly, this writ petition is disposed of in the following manner:-

(a) The impugned order dated 30.04.2025 passed by the first respondent is hereby quashed by this Court, and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law.

(b) The first respondent shall consider the contentions of the petitioner, including the contention that pendency of a civil suit is not a bar for surveying and demarcating the boundaries, and shall also consider the objections raised by the respondents 2 to 4, and thereafter pass a speaking order within a period of 12 weeks from the date of receipt of a copy of this order.

(c) This Court is not expressing any opinion on the merits of the petitioner's application seeking survey and demarcation of the boundaries of the subject property.

No Costs. W.M.P.No.2646 of 2026 is ordered.

02-02-2026

Neutral Citation: Yes/No
RKM



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ABDUL QUDDHOSE, J.

RKM

To

1. The Tahsildar
Tiruchengode Taluk,
Namakkal District.

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