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W.A.No.973 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No.973 of 2026
and CMP No.10067 of 2026

Amsaraj
S/o.Madhichetty,
Sigaralahalli Post, Ajjanahalli Village,
Pennagaram Taluk,
Dharmapuri District - 636 810.

Appellant(s)

Vs

1. M.Krishnan
S/o.Madhichetty,
D.No. 5/49, Sigaralahalli Post,
Ajjanahalli Village, Pennagaram Taluk,
Dharmapuri District - 636 810.
2. The District Collector
District Collector Office
Dharmapuri District - 636 705.
3. The District Revenue Officer
District Collector Office
Dharmapuri District - 636 705.
4. The Tahsildar
Pennagaram Taluk Office
Pennagaram Taluk
Dharmapuri District - 636 810.



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5. The Head Surveyor
Pennagaram Taluk Office
Pennagaram Taluk
Dharmapuri District - 636 810.
6. The Firka Surveyor
Eriyur Revenue Firka
Pennagaram Taluk Office
Pennagaram Taluk
Dharmapuri District - 636 810.
7. The Village Administrative Officer
Ajjanahalli Revenue Village
Pennagaram Taluk
Dharmapuri District - 636 810.
8. The Inspector of Police
Eriyur Police Station
Pennagaram Taluk
Dharmapuri District - 636 352.

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 28.11.2025 passed by the learned Single Judge in W.P.No.46468 of 2025.

For Appellant(s): Ms.M.Adhishree

For Respondent(s): Mr.D.Senthil Kumar
for R1

Mr.K.Kumaran
Government Pleader
for R2 to R7

Mr.M.Dinesh
Government Pleader (Criminal Side)
for R8



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JUDGMENT
(Delivered by the Hon'ble Chief Justice)

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This intra-court appeal is directed against the common order dated 28.11.2025 passed by the learned Single Judge in a batch of writ petitions, explicitly seeking to set aside the directions inside W.P.No.46468 of 2025 insofar as it affects the rights of the present appellant.

2.1. The seminal facts necessary for the adjudication of this appeal are that the first respondent herein (the writ petitioner) approached the writ court seeking issuance of a writ of mandamus to direct the official revenue respondents to conduct a boundary survey and plant boundary stones in respect of lands situated in Survey Nos.440/2 and 443/3 of Ajjanahalli Revenue Village, based on an online application dated 26.09.2025.

2.2. The learned Single Judge, vide the impugned common order, disposed of the writ petition alongside several others with

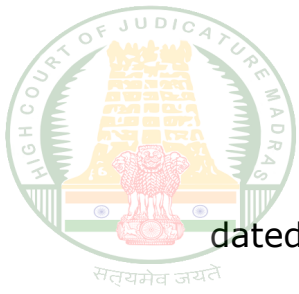


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directions to the Tahsildar/Surveyor concerned to execute the survey within a stipulated timeline of eight weeks.

3.1. Learned counsel for the appellant vehemently argued that the impugned order suffers from a vice of violation of the principles of natural justice. It is uncontroverted that the appellant, who was explicitly arrayed as the eighth respondent in W.P.No.46468 of 2025, was never served notice nor afforded an opportunity of being heard before the writ petition was disposed of.

3.2. Learned counsel brought to our notice that a comprehensive title dispute is currently pending between the private parties. The appellant has already instituted a regular civil suit in O.S.No.454 of 2022 on the file of the Principal Subordinate Court, Dharmapuri, against the first respondent and others. The said suit seeks declaration of title and permanent injunction relating to the property comprised in Survey No.440/1, which encapsulates the overlapping disputed extents. Additionally, the appellant has challenged a prior adversarial order of the District Revenue Officer



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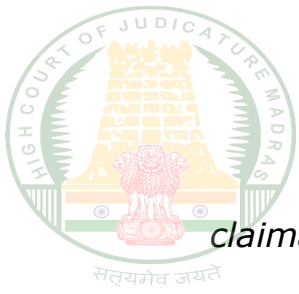
dated 09.12.2022 by filing W.P.No.14796 of 2023, which is also pending consideration.

4. We have scrutinized the records and given our careful consideration to the submissions made at the Bar.

5. It is a canonical principle of administrative law and equity that no person shall be condemned unheard. The practice of passing orders in a writ petition behind the back of an arrayed party, whose proprietary rights are likely to be affected, violates the core tenets of natural justice.

6. Be that as it may, the more substantial factor that needs to be noted is the pendency of a prior substantive civil suit. A boundary survey and the fixation of boundary stones are subservient to, and must await the final decree of a civil court when property rights are *sub judice*.

7. The learned Single Judge, in clause (c) of paragraph 5 of the impugned order, noted that: "*Wherever there are rival*



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claimants, unless they have obtained any restraint order from any Civil Court, such survey shall be conducted in their presence."

While this general directive holds merit in routine matters, it fails to protect situations where a substantive declaratory title suit is actively pending. Requiring an individual, who has already invoked the jurisdiction of a civil court via a title suit, to additionally fetch interim restraint orders merely to stave off parallel revenue alterations in respect of the selfsame property is, in our considered opinion, an unnecessary burden.

8. Since O.S.No.454 of 2022 is currently pending adjudication, the proper course for the parties is to maintain the status quo and establish their respective rights through the adduction of oral and documentary evidence before the trial court. The boundary coordinates, ownership claims, and actual possession can only be decisively adjudicated by the learned Principal Subordinate Judge, Dharmapuri. Parallel administrative adjudications or surveys during the subsistence of such a suit are bound to engender conflicting results.



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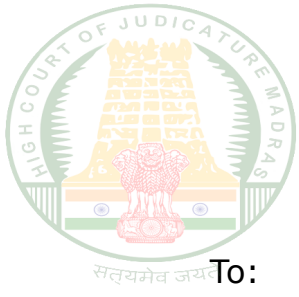
9. In the light of the aforesaid discussion, the writ appeal is allowed. The impugned common order passed by the learned Single Judge dated 28.11.2025 in W.P.No.46468 of 2025 is hereby set aside only in respect of the present appellant.

10. The respondent authorities are directed to defer any further survey, demarcation, or planting of boundary stones regarding the subject lands until the final disposal of the civil suit in O.S.No.454 of 2022 on the file of the learned Principal Subordinate Court, Dharmapuri. The parties are given liberty to work out their respective rights and seek appropriate interim reliefs in the pending suit, if they are so advised.

There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
30.06.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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