



WEB COPY

WP No. 7067 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 7067 of 2025

Ramasamy

S/o. Sengoda Goundre, Kallagadu, O
Sowthampuram Village, Rasipuram Taluk,
Namakkal District

..Petitioner(s)

Vs

1. The Tahsildar Cum Executive Magistrate
Rasipuram, Namakkal District
2. Firka Surveyor
Venathur, Rasipuram Taluk, Namakkal
District
3. The Inspector Of Police
Vennathur Police Station, Namakkal District
4. Maheshkannan
S/o Periysamy Kallagkadu, O Sowthapuram
Vill Age, Rasipuram Taluk, Namakkal
District

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorari to call for records with respect to the proceedings in Na Ka no. 3839/2024/A2 dated 21.01.2025 on the file of the 1st Respondent quash the same.

For Petitioner(s): Mr.S.Arjun

For Respondent(s): Mr.T.M.Rajangam, Government Advocate for R1
and R2
Mr.K.Sukumaran for R4



WEB COPY



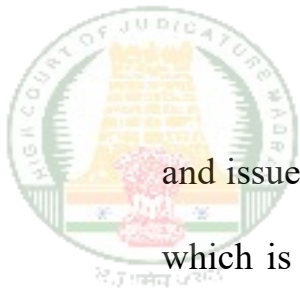
Mr.V.Meghanathan, Government Advocate
(Crl.Side) for R3

Order

The writ petition is filed by the petitioner challenging the impugned order of the 1st respondent, whereby the 2nd respondent was directed to survey and measure the property in dispute.

2. Case of the petitioner is that the petitioner, one Periyasamy (father of the 4th respondent), one Kandasamy are children of Sengoda Gounder. Due to the property disputes among the brother, civil suits have been filed against each other for the relief of permanent injunction, mandatory injunction, and partition in O.S.NO.27/2025 on the file of the Subordinate Judge, Rasipuram; O.S.NO.57/2020 on the file of the District Munsif Court, Rasipuram and O.S.No.90 of 2020 on the file of the District Munsif Court, Rasipuram. Due to the wordy quarrel between the petitioner and the 4th respondent, the 4th respondent has filed a complaint with the 3rd respondent. The 2nd respondent has referred the dispute to the 1st respondent, who issued order, directing the 2nd respondent to survey and measure the property in dispute by order dated 21.01.2025. Challenging the same, the petitioner is before this Court.

3. Learned counsel for the petitioner submitted that the 1st respondent usurping the powers of Civil Court has taken cognizance of the Civil Dispute



and issued order directing the 2nd respondent to measure the property in dispute, which is unsustainable. Such a power is vested only with the Civil Court and hence prays for setting aside of the impugned order.

4. The learned Government Advocate for the respondents 1 and 2 fairly submitted that since the petitioner objected the 2nd respondent to measure the property, this Court may permit the said official to measure the property and submit a report before the competent Civil Court. Thereafter, the Civil Court may decide the matter based on the report of the 2nd respondent.

5. The learned counsel for the respective parties have no objection for such an order being passed by this Court.

6. Heard the counsel for the parties and also perused the materials available on record.

7. In view of the fair submission of the learned Government Advocate for the respondents 1 and 2, this Court directs the Local Taluk Surveyor / 2nd respondent to survey and measure the property in accordance with law and submit a report before the Civil Courts in O.S.NO.27/2025, pending on the file of the Subordinate Judge, Rasipuram; O.S.NO.57/2020, pending on the file of the District Munsif Court, Rasipuram and O.S.No.90 of 2020, pending on the



file of the District Munsif Court, Rasipuram. The competent Civil Courts are directed to decide the issue in between the parties on merits and pass orders in accordance with law.

06-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SK

Note: Registry is directed to mark a copy of this order to

1. The Subordinate Judge,
Rasipuram.

2. The District Munsif Court,
Rasipuram.

To

1. The Tahsildar Cum Executive Magistrate
Rasipuram, Namakal District

2. Firka Surveyor
Venathur, Rasipuram Taluk, Namakal
District

3. The Inspector Of Police
Vennathur Police Station, Namakkal District

4. Maheshkannan
S/o Periyasamy Kallagkadu, O Sowthapuram
Vill Age, Rasipuram Taluk, Namakkal
District



WEB COPY

WP No. 7067 of 2



M.DHANDAPANI J.

sk

WP No. 7067 of 2025

06-04-2026