



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No.12660 of 2024

M.Venkatachalam

..Petitioner(s)

Vs

1. The District Collector,
Salem District, Salem.
2. The Tahsildar,
Gengavalli Taluka, Salem District.
3. The Village Administrative Officer,
Moolapudur Village, Gengavalli Taluka,
Salem District.
4. Mr.N.Iyyappan
5. Mr.R.Vellaiyan
6. Mr.R.Vijayakumar
7. K.Chinnasamy
8. Mr.K.Rajendran
9. Mr.Ramar
- 10.Mr.Kandasamy

(R-4 to R-10 impleaded vide order
dt.05.07.2024 made in WMP.18715/2024 in
WP.12660/2024 by NSKJ)

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus directing the respondents to carry on the



survey of the fields in Survey No.340/5A, 340/5B, 340/5D, 357/2, 357/3, 357/4, 357/5 of Kondayampalli Village, Gengavalli Taluka, Salem District.

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For Petitioner(s): Mr.K.A.Mariappan

For Respondent(s): Mr.T.K.Saravanan, AGP for 1 to 3
Mr.K.Thangadurai for
M/s.D.Chitra Maragatham for R8 & 9
No appearance for R4 to 7

ORDER

This writ petition is filed to direct the respondents to carry on the survey of the fields in Survey No.340/5A, 340/5B, 340/5D, 357/2, 357/3, 357/4, 357/5 of Kondayampalli Village, Gengavalli Taluka, Salem District.

2. Learned counsel for the petitioner would submit that the petitioner is the owner of the agricultural land in S.No.340/5B of Kondayampalli, Gengavalli Taluka, Salem District, purchased from its predecessors in title one Mr.Raja and others. After purchasing the said lands, the petitioner came to know about the filing of the suit by the fourth respondent against his vendor and suppressing the said facts, the petitioner's vendor sold the properties to the petitioner. Therefore, the petitioner has made an application dated 13.01.2024 before the respondents to carry on the survey of the fields in S.Nos.340/5A, 340/5B, 340/5D, 357/2, 357/3, 357/4 and 357/5 of Kondayampalli Village, Gengavalli Taluka, Salem District. Based on such application, the second



respondent visited the subject property for survey, however, at that point of time, the fourth respondent has made a strict objection and created a law and order problem. Therefore, the officials returned back without surveying the said property. Hence, this writ petition.

3. Learned Additional Government Pleader appearing for the respondents 1 to 3 conceded to the submission made by the learned counsel for the petitioner.

4. Learned counsel appearing for the respondents 8 & 9 would submit that the private respondents are in the possession of the aforesaid subject property. In the pretext of surveying, the petitioner is trying to take possession of the same. Accordingly, he prays for appropriate orders.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts of the case are not in dispute. The only grievance of the private respondents is that under the pretext of survey, the petitioner is trying to take over the possession of the subject property, which belongs to them. Even though the petitioner's property is with the private respondents, the possession cannot be disturbed without following the due process of law. Such being the



case, this Court directs issues the following direction:

(i) The first respondent is directed to survey the aforesaid subject property, after giving due notice and opportunity of personal hearing to the petitioner as well as respondents 4 to 10 and aggrieved persons, if any, within a period of six weeks from the date of receipt of a copy of the order.

(ii) It is needless to say, in case of any obstruction being created by third parties/private respondents, the first respondent is at liberty to approach the Police officials, in which case, the Police officials shall render assistance to the first respondent to carry out the aforesaid exercise.

(iii) The respondents 4 to 10 shall not make any disturbance and let the officials survey the property and lay the survey stones. Even though the survey stones are laid in the property, where the private respondents are in possession, the petitioner shall not make any attempt to take over the said property, without following the due process of law.

With the aforesaid direction, this writ petition stands disposed of. No costs.

23-03-2026

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

VM

To:



1. The District Collector
Salem District, Salem.
2. The Tahsildar,
Gengavalli Taluka, Salem District.
3. The Village Administrative Officer
Moolapudur Village, Gengavalli Taluka,
Salem District.



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WP No. 12660 of 2



KRISHNAN RAMASAMY, J.

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