



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP Nos. 15468 & 15473 of 2023

M.Mahalingam
S/o.late.Ramasamy,
Samichettipatty,
Polanahalli, Nallampalli Taluk,
Dharmapuri District.

..Petitioner in
W.P.No.15468/2023

Chennakesavan,
S/o.Muniyan,
Samichettipatty,
Polanahalli, Nallampalli Taluk,
Dharmapuri District.

..Petitioner in
W.P.No.15473/2023

Vs

1. The Thasildhar
Nallampalli Taluk,
Nallampalli Thasildhar Office,
Dharmapuri District.
2. The Head Surveyor
Nallampalli Taluk,
Nallampalli Thasildhar Office,
Dharmapuri District.
3. M.Mani
S/o.late.Ramasamy
Samichettipatty Village and Post,
Polanahalli, Nallampalli Taluk,
Dharmapuri District.

..Respondents in both W.Ps.



COMMON PRAYER– These Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioners' representation dated 06.04.2023.

(In both W.Ps.)

For Petitioner(s): Mr.J.Pradeep

For Respondent(s): Mr.C.Gauthamaraj,
Government Advocate (For RR1 & 2)

Mr.S.Sathiaseelan, (For R3)

COMMON ORDER

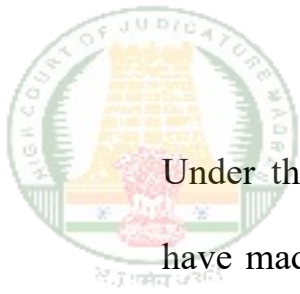
These Writ Petitions are filed seeking for a direction to the respondents 1 and 2 to consider the representation of the petitioners dated 06.04.2023.

2.According to the petitioner in both the Writ Petitions, originally one B.Narayanan was the owner of a larger extent of the property. From the said B.Narayanan, Chennakesavan/petitioner in W.P.No.15473/2023 along with one Perumal, purchased Acre 4.73 Cents in S.No.135 and Acre 5.00 Cents in S.No.136 vide sale deed dated 14.11.2018. From the said Chennakesavan and Perumal, the petitioner in W.P.No.15468/2023, purchased an extent of Acre 1.00 Cents in S.No.136 vide sale deed dated 31.12.2021 and is in possession.



While so, legal heirs of one Ramasamy, who is the vendor of Narayanan, are creating problems claiming the property of the petitioners and filed a suit against the petitioners in O.S.No.45 of 2022 before the Sub Court, Dharmapuri for declaration and permanent injunction. The petitioners had also filed a suit against them in O.S.No.56 of 2022 before the Additional Sessions Judge, Dharmapuri, seeking declaration of title and for permanent injunction. This being the situation, the petitioners have sent a representation dated 06.04.2023 to the respondents 1 and 2 to measure and mark the boundaries of the property owned by them. Since, the respondents 1 and 2 failed to take any action, they have come up with this Writ Petition.

3.Learned counsel for the petitioners would submit that Chennakesavan/petitioner in W.P.No.15473/2023 along with one Perumal, purchased Acre 4.73 Cents in S.No.135 and Acre 5.00 Cents in S.No.136 and the petitioner in W.P.No.15468/2023 is in possession of Acre 1.00 Cents of land in S.No.136 and hence, to measure and mark the boundaries of property purchased by them, the have made payment and sent a representation to the respondents 1 and 2 to measure and mark the boundaries of their properties, along with the payment challan. He would further submit that they have filed a suit for declaration to declare the title which belongs to the petitioners and also for permanent injunction. The 3rd respondent has also filed a suit for declaration.



Under these circumstances, since the possession is with the petitioners, they have made a representation to measure and mark the boundaries, which is not considered.

4.Per contra, learned counsel for the 3rd respondent submitted that the legal heirs of Ramasamy are in possession of the properties. They have also filed a suit for declaration. Therefore, he would submit that unless otherwise the title of the properties are decided, the measurement cannot be carried out and prayed for dismissal of the Writ Petition.

5.Heard the learned counsel for the petitioners, learned Government Advocate for the respondents 1 and 2 as well as the learned counsel for the 3rd respondent and perused the entire materials available on record.

6.From the materials on record, it is seen that the petitioners are in possession of the land in dispute. They have sent a representation to the respondents 1 and 2 to measure and mark their boundaries. They have also filed a suit seeking declaration of title and for permanent injunction, which is pending. The 3rd respondent has also filed a suit seeking the very same relief as that of the petitioners, which is also pending. Since the possession of the



property itself is disputed, considering the representation of the petitioners merely by measuring the boundaries will not resolve the issue between the 3rd respondent and the petitioners. When the title suits are pending, it will be appropriate for the respective parties to approach the Civil Court where the suits are pending. Let the Civil Court decide with regard to appointment of the Advocate Commissioner.

7. With this direction, both these Writ Petitions are disposed of. No costs.

23-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GSA

To

1. The Thasildhar
Nallampalli Taluk, Nallampalli Thasildhar
Office, Dharmapuri District.
2. The Head Surveyor
Nallampalli Taluk, Nallampalli Thasildhar
Office, Dharmapuri District.



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WP Nos.15468 & 15473 of 2



KRISHNAN RAMASAMY J.

GSA

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