



W.P.No.28152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2026

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.28152 of 2024

SIVARAMAN

...Petitioner

Vs.

1 THE DISTRICT COLLECTOR
O/O.THE DISTRICT COLLECTOR
ERODE-DISTRICT

2 THE TAHSILDAR
O/O.THE TAHSILDAR NAMBIYUR POST AND TALUK
ERODE DISTRICT.

3 POONGODI

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to conduct survey on petitioner's land situated in survey No.120/1, 120/2 and 120/3 in Emmampoondi B Village, Nambiyur Taluk, Erode District based on the online application in Challan No.2024/0123/10/001211 dated 3.7.2024 and the representation dated 9.7.2024

For Petitioner	: Mr.D.Veerasekharan
For Respondents 1 & 2	: Mr.J.K.Saravanan AGP
For Respondent – 3	: Mr.M.Nandhakumar for M/s.Eswar Kumar & Rao



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Order

Heard Mr.D.Veerasekharan, learned counsel appearing for the petitioner, Mr.J.K.Saravanan, learned Additional Government Pleader for the respondents 1 and 2 and Mr.M.Nandhakumar, learned counsel for the third respondent.

2. This Writ Petition is filed seeking for the following prayer:-

For issuance of a mandamus on the 2nd respondent to conduct survey on petitioner's land morefully described in the prayer of this Writ Petition.

3. Learned counsel for the petitioner would submit that the petitioner made an application via. online for survey and demarcation of the aforesaid property and to lay boundaries stone, but the second respondent did not process the application; that even the representation made by the petitioner in this regard dated 09.07.2024 is also pending. Hence, the present Writ Petition is filed.

4. The learned Additional Government Pleader for the Official Respondents, viz., respondents 1 and 2 would submit that pursuant to the



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application made by the petitioner, the Officials attached to the respondent-Department went to the petitioner's property for conducting land survey, however, during the course of such action, it is found that the petitioner's land is a Cultivation Land and the third respondent herein has claimed right over the property by way of filing a suit, therefore, they returned without conducting survey.

4.1 It is further by the learned Additional Government Pleader for respondents 1 and 2 the petitioner has stated that the suit is in no way connected to his lands, in the said suit, the name of the petitioner has also been impleaded as party defendant; that as long as the rights of the parties in respect of the subject property is decided by the Trial Court, the respondents won't be in a position to survey the property and make patta transfer through sub-division of the lands.

5. The learned counsel appearing for the third respondent would submit that the subject property was purchased by the petitioner from one Palaniammal, who inherited the property by virtue of a settlement deed executed by her husband, viz., Ammasi Gounder and therefore, the third



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respondent, being daughter of above said Ammasi Gounder filed a suit for partition in O.S.No.443 of 2024 on the file of the III Additional District and Sessions Judge, Gobichettipalayam, Erode District and the same is pending; that further in the said Suit, the third respondent has filed an application to appoint an Advocate Commissioner to note down the physical features of the property, pursuant to which, Advocate Commissioner has already been appointed and has been directed to note-down the physical features of the property and submit his report on 22.08.2025, therefore, it is not necessary to conduct survey of the property onceagain.

6. In reply, the learned counsel for the petitioner would submit that Advocate Commissioner has been appointed by the Trial Court only for the purpose of noting down the physical features of the property , however, no survey has been conducted by any Taluk Surveyor and therefore, submits that by conducting land survey and demarcating the land by laying boundaries stones will only help the Trial Court to arrive a conclusion to what extent of land, both the petitioner and the third respondents would be entitled to, and therefore, prays for appropriate direction to conduct survey of the property.



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7. I have given due considerations to the submission made by the learned counsel for the petitioner, the learned Additional Government Pleader for the respondent 1 and 2 and the learned counsel for the third respondent and perused the materials placed on record.

8. The petitioner purchased the aforesaid property from one Thiru.K.K.Thangavel under a valid sale consideration vide Document NO.1669 of 2024 dated 30.04.2024. Subsequent to the said purchase, the petitioner also changed the patta, chitta and A-Register in his name. Now, the petitioner has made an application via. online for identifying the boundaries of the aforesaid property for the sake of patta transfer and sub-division of property.

8.1 According to the petitioner, the second respondent did not process the application dated 03.07.2024. Therefore, the petitioner made a representation to the respondents on 09.07.2024 onceagain requesting them to survey the land, however, the said representation is also pending.



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8.2 It is pertinent to mention here, though the petitioner purchased the property from one K.K.Thangaval, the petitioner's vendor has purchased the said property from one Palaniammal, wife of Ammasi Gounder, who inherited right over the property by virtue of a settlement deed executed in her favour by her husband Ammasi Gounder.

8.3 Now, one Poongodi, being the daughter of the said Ammasi Gounder, viz., third respondent herein has filed a suit for partition, declaration and permanent injunction in O.S.No.443 of 2024 on the file of the III Additional District and Sessions Judge, Gobichettipalayam, Erode District in respect of the subject property. Pending the said suit, the third respondent also filed an Interlocutory Application seeking for appointment of an Advocate Commissioner to note down the physical features of the property, pursuant to which, already Commissioner was appointed and was directed to submit a Report noting down the physical features of the property within 22.08.2025.

8.4 Therefore, though it is contention of the learned Additional Government Pleader for the Official Respondents, viz., respondents 1 and 2



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that as long as the suit in respect of the subject land is adjudicated by the

Civil Court and unless and until, rights of the petitioner and the third respondent is decided by the Civil Court, the respondents are not in a position to conduct survey of the petitioner's property, since, property in question is the subject matter of the said Suit as well, however, as rightly pointed out by the learned counsel for the petitioner, Advocate Commissioner has been appointed only to note-down the physical features of the property, but, merely noting the physical features of the property is not sufficient to arrive at a conclusion as to what extent of the property, the parties owns their right and further, conducting survey of the petitioner's property and demarcating the property by metes and bounds by laying boundary stones will in no way affect the rights of both the parties. In fact, by doing so, the same would help the Civil Court to arrive a conclusion as to whether both the parties (petitioner and third respondent) are in possession and occupation of their own land or any encroachment is made, if so, to what extent of the land, they both are entitled to.

9. Therefore, this Court directs the second respondent to consider the online application made by the petitioner dated 03.07.2024 as well as the



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representation dated 09.07.2024 and conduct survey of the petitioner's land and demarcate the property by laying boundary stones. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order, after issuing due notice to the petitioner and third respondent. However, it is made clear that subject to the outcome of the Suit pending before the Civil Court, the petitioner can claim right over the property in question and seek for issuance of patta in his name.

10. This Writ Petition is disposed of with the above observations. No costs.

12.03.2026

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Index : yes/no

Neutral Citation : yes/no

To

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8/9



ERODE DISTRICT.



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Krishnan Ramasamy,J.,

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