



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 20197 of 2024

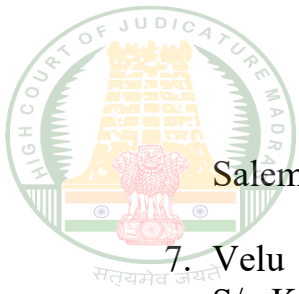
Ashok

S/o.Karupannan, Panchayat President, Vellari Velli
Village, Edappadi Taluk, Salem District- 637 101.

..Petitioner

Vs

1. The District Collector,
Salem District.
2. The Tahsildrar
Edappadi Taluk Office, Salem District.
3. The Block Development Officer
Edappadi Block Development Office, Edappadi,
Salem District.
4. The Land Surveyor,
Edappadi Taluk Office, Edappadi, Salem
District.
5. The Inspector Of Police,
Poolampatti Police Station, Poolampatti, Salem
District.
6. Govindhasamy
S/o.Narayanan,
Sedranyan Kattu Valavu,
Vellari Velli Village, Edappadi Taluk,



Salem District-637101.

7. Velu

S/o.Kandhappa Gounder,
Sedrayan KattuValavu,
Vellari Velli Village,
Edappadi Taluk,
Salem District-637101.

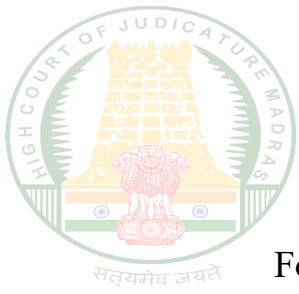
8. V.Arul

S/o.K.K.Velu,
Sedranyan Kattu Valavu,
Vellari Velli Village, Edappadi Taluk,
Salem District-637101.

(8th respondent impleaded vide order of this Court
dated 16.03.2026 in WMP.No.26519 of 2024)

..Respondents

Writ Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the 2nd and 4th respondents to survey the land admeasuring 1.21 cents comprised in Survey No.549/ 26 and 3.22 cents comprised in Survey No.549/27, totally to an extent of 4.43 cents of lands, situated at Vellari Velli Village, Edappadi Taluk, Salem District and fix boundaries, based on the petitioners applications Nos.2024/ 0123/ 08/ 002793 and 2024/ 0123/ 08/ 002794 dated 04.06.2024 respectively, with necessary police protection from 5th Respondent, within a time limit to be stipulated by this Court.



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For Petitioner: Ms. G.Ambika

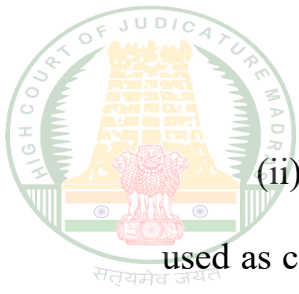
For Respondents: Mr. T.K.Saravanan (R1 to R4)
Additional Government Pleader
Mr.R.Venkatesa Perumal (R5)
Government Advocate (Crl.side)
No appearance (R6)

ORDER

This Writ Petition has been filed seeking a direction to the 2nd and 4th respondents to survey the land admeasuring 1.21 cents comprised in Survey No.549/ 26 and 3.22 cents comprised in Survey No.549/27, totally to an extent of 4.43 cents of lands, situated at Vellari Velli Village, Edappadi Taluk, Salem District and fix boundaries, based on the petitioners applications Nos.2024/ 0123/ 08/ 002793 and 2024/ 0123/ 08/ 002794 dated 04.06.2024 respectively, with necessary police protection from 5th Respondent, within a time limit to be stipulated by this Court.

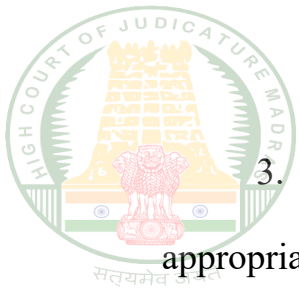
2. The case of the petitioner in brief are as follows:

(i) The petitioner is the Panchayat President of Vellari Velli Village, Edappadi Taluk, Salem District. The land comprised in survey No.549/26 situated at Vellari Velli Village, Edappadi Taluk, Salem District is owned by one Govindasamy who is the 6th respondent herein. The land comprised in survey No.549/27 situated at Vellari Velli Village, Edappadi Taluk, Salem District owned by one Velu, who is the 7th respondent herein.



(ii) It is further stated that some extent of the above said land has been used as common passage, hence on 30.01.2015, the 6th and 7th respondents have executed a Settlement Deed in favour of the 3rd Respondent vide Doc.No.362 of 2015 on the file of Sub-Registrar office, Edappadi, Salem District and thereby they have gifted the lands to Government to an extent of 4.43 cents of lands, from their above said lands, for using the same as common passage. Till date it has been used as common passage. But no road has been laid.

(iii) While so, on 26.02.2024, a Resolution No.740 has been passed in the Village Panchayat, to lay road in the above said gifted land. Therefore, on 04.06.2024, the petitioner has made two applications to measure and fix boundaries for the lands in Survey Nos.549/26 and 549/27 vide application Nos.2024/0123/08/002793 & No.2024/0123/08/002794, with appropriate fees. Based on the same, on 25.06.2024 the officials came to the land for measuring and fix boundaries. At that time, the 6th and 7th respondents obstructed and threatened them. Therefore, the officials returned without measuring the land. In this regard, the petitioner made a representation before the official respondents on 01.07.2024, to consider his application and survey the above said land and fix the boundaries with necessary police protection. But, no action has been taken till date. Hence, this petition.



3. The learned counsel appearing for the petitioner would submit that appropriate direction may be issued to the official respondents to survey the subject land and fix the boundaries with necessary police protection.

4. The learned counsel for the newly impleaded respondent viz., the 8th respondent would submit that 7th respondent, who is the father of the 8th respondent had gifted 3.22 cents of land comprised in S.No.549/27, Vellari Velli Village, Edappadi Taluk, Salem District, out of 2.38 ½ Acres of land, which belongs to joint family property consisting of six members, to the Government for the purpose of laying the road, without the consent of the 8th respondent and other legal heirs. Therefore, the 8th respondent along with his sister and brother have filed a suit in O.S.No.127 of 2024, on the file of Subordinate Court, Sankari, for partition, declaration and for permanent injunction. Therefore, he would submit that the writ petition filed to survey the subject lands is liable to be dismissed and therefore prays for the dismissal of the same.

5. The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that when the respondent officials went to the subject lands for conducting survey, they were obstructed by the private



respondents and hence they could not conduct the survey. He therefore prays for appropriate orders.

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6. Heard both sides. Perused the records.

7. In the present case, the grievance of the 8th respondent is that 2.38 ½ acres of lands situated at Vellari Velli Village, Edappadi Taluk, Salem District in S.No.549/27 are originally the joint family properties of the 8th respondent consisting of six members, out of which, the 7th respondent gifted land to an extent of 3.22 cents to the Government, without his consent and also the other legal heirs. Therefore the Settlement Deed executed by the 7th respondent is null and void. Even assuming that the 7th respondent had gifted the aforesaid extent of lands to the Government, without the consent of the 8th respondent and other legal heirs, the total extent of land with respect to the aforesaid Survey No. is 2.38 ½ acres, in which the 7th respondent is entitled to one share. The 7th respondent has gifted only 3.22 cents of land to the Government, which is covered in his share itself. Therefore, the 8th respondent and the other legal heirs need not give their shares for the purpose of laying the road. The extent of land gifted by the 7th respondent can be deducted in his share itself. That apart, the civil suit filed by the 8th respondent along with his brother and sister,



challenging the Settlement Deed is pending. Therefore, the contention of the 8th respondent cannot be accepted.

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8. As the respondents 6 and 7 have already gifted 4.43 cents of land to the Government for the purpose of laying the road, this Court deems it fit to issue direction to the respondents 2 and 4 to survey the subject properties.

9. In such view of the matter, this writ petition is disposed of with a direction to the respondents 2 and 4 to consider the representation of the petitioner dated 01.07.2024, carry out a survey, demarcate the properties and thereafter fix boundary stones at the subject properties, within a period of **4 weeks from the date of receipt of a copy of this order** after giving prior notice and reasonable opportunity of hearing to the petitioner, the respondents 6 to 8, adjacent land owners and other interested parties, including rival claimants, if any. It is made clear that if any disturbance is caused by the respondents 6 to 8, the official respondents are at liberty to give complaint to the 5th respondent who shall act in accordance with law. No costs.

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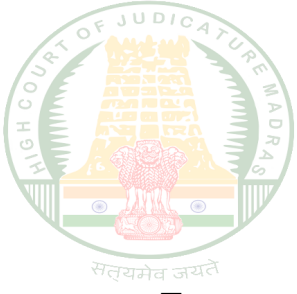
(2/2)

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

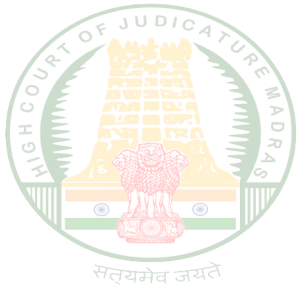
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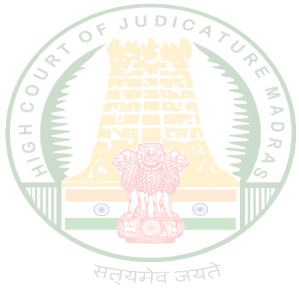


KRISHNAN RAMASAMY, J.

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