



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 47588 of 2025

S.Rathinasamy

..Petitioner(s)

Vs

1. The District Collector
Collectorate, Tirupur District.
2. The Superintendent Of Police
Tirupur District-641 018
3. The Revenue Divisional Officer
Dharapuram, Tirupur District.
4. The Deputy Superintendent Of Police,
Dharapuram Sub Division, Tirupur District.
5. The Inspector Of Police
Dharapuram Police Station, Tirupur District.
6. The Tahsildar
Dharapuram, Tirupur District.
7. The Head Surveyor



Dharapuram, Tirupur District.

8. The Firka Surveyor

Kundadam Firka, Tirupur District.

9. Ramakrishnan

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, to forbear the respondents (1 to 8) from interfering into the civil dispute and dispossessing the petitioner from the land situated in R.S. Nos.562/2, 562/3, Kasilingampalayam Village, Dharmapuram Taluk, Tirupur District.

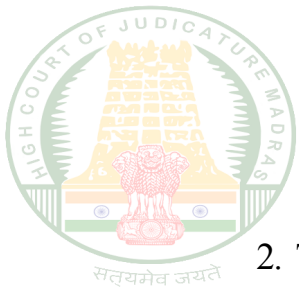
For Petitioner(s): Mr.D. Raghu

For Respondent(s): Mr. D. Gopal, Government Advocate,
for R1, R3, R6, R7 & R8;
Mr. L. Baskaran, Govt Advocate (Crl. Side),
for R2, R4 And R5.

ORDER

This Writ Petition has been filed for the following reliefs:-

“To forbear the respondents (1 to 8) from interfering into the civil dispute and dispossessing the petitioner from the land situated in R.S. Nos.562/2, 562/3, Kasilingampalayam Village, Dharmapuram Taluk, Tirupur District.”



2. The petitioner is the absolute owner of the property comprised in R.S. Nos. 562/2 and 562/13, situate at Kasilingampalayam Village, Dharapuram Taluk, Tirupur District. The petitioner's family has been in continuous possession and enjoyment of the said property since 1940, and coconut trees have been raised on the said land.

3. While so, the 9th respondent, who is the owner of the adjacent property comprised in S.F. No. 562/4, situate at Kasilingampalayam Village, Dharapuram Taluk, Tirupur District, along with others, trespassed into the petitioner's property and attempted to erect a fence within the petitioner's boundary. Hence, the petitioner filed a civil suit in O.S. No. 138 of 2025 on the file of the District Munsif Court, Dharapuram, seeking the relief of permanent injunction against the 9th respondent.

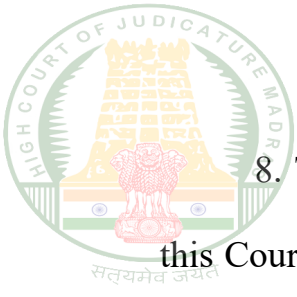
4. In the meanwhile, the 9th respondent had filed W.P. No. 22761 of 2025 against respondents 6 to 8, seeking a direction to survey the land and mutate the petitioner's name in the subdivision patta. This Court was pleased to pass orders directing the respondents to consider the same and pass orders on merits after providing reasonable opportunity to the adjacent landowners and other interested parties, including rival claimants.



5. Thereafter, the Government officials, without issuing proper notice or granting reasonable time to the adjacent landowners, entered into the petitioner's property and attempted to erect a fence. The same was objected to by the petitioner by pointing out the pendency of the civil suit. At that time, the 9th respondent threatened the petitioner and his wife, following which the officials left the place. In this regard, the petitioner had also submitted a representation to the 2nd respondent on 11.10.2025, but no action has been taken to date. Hence, the Writ Petition.

6. Heard the learned counsel on either side and perused the records.

7. The above Writ Petition has been filed seeking a mandamus to forebear the respondents 1 to 8 from interfering with the petitioner's possession of the land in question in the light of the pendency of a suit. However, it appears that the 9th respondent had obtained directions from this Court by filing WP.No. 22761 of 2025 wherein this Court had directed the 9th respondent who was the petitioner therein to file an online application for survey and mutation of patta and on receipt of the application, the respondents were directed to issue notice and after affording an opportunity of hearing to the petitioner therein, namely the 9th respondent and the adjacent land owners and interested parties, pass orders.



8. The petitioner's grievance is that despite such a categorical direction of this Court, the respondents without issuing proper notice or granting reasonable time to the adjacent landowners and without considering the pendency of the suit in respect of the subject property, attempted to erect fence in the petitioner's property in the guise of complying with the order of this Court.

9. Such being the case, while complying with the order of this Court in W.P. No. 22761 of 2025, the respondents 1 to 8 shall take note of the pendency of the suit and consider the claims of both the petitioner and the 9th respondent, as directed therein. The respondent shall, after issuing due notice to the petitioner, the 9th respondent, and the adjacent landowners and other interested parties, pass a speaking order within a period of one month from the date of receipt of a copy of this order.

10. The Writ Petition is disposed of accordingly. No costs.

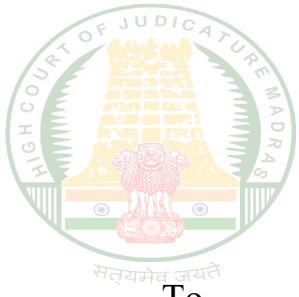
21-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR



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P.T.ASHA, J.

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