

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19747 of 2015

S.Rajendran

...Petitioner

- Vs -

1. The Tahsildar,
Omalur Taluk,
Salem District.
2. The Deputy Taluk Surveyor,
Omalur Taluk,
Salem District.
3. The Deputy Superintendent of Police,
Omalur Taluk,
Salem District.
4. The Inspector of Police,
Jeevattipatti Police Station,
Omalur Taluk, Salem District.
5. C.Palaniswamy

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 3 and 4 to give protection to the respondents 1 and 2 to survey the lands of the petitioners comprised in S.Nos.36/4 and 33/8C at Thumbipady Village measuring to an extent of Acre 1.95 Cents based on his representation dated 15.06.2015.

For Petitioner : Mr.M.Balasubramanian

For Respondents : Ms.P.Rajalakshmi, GA for R1 to R4

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims to be the absolute owner of the land property admeasuring to an extent of Acre 1.95 Cents situated at S.Nos.36/4 and 33/8C of Thumbipady Village in Salem District. The petitioner would state that she had purchased the same through a registered sale deed dated 18.05.2012 [vide Doc.No.4355 of 2012 on the file of the Sub Registrar, Omalur] from one Vadivel and 7 others. The petitioner would state after the purchase he has also obtained patta in his favour and he is carrying on agricultural activities on the said lands. While so, according to the petitioner, the 5th respondent had lodged a false complaint alleging land grabbing on the part of the petitioner and the Deputy Superintendent of Police, Land Grabbing Cell, Salem District, who took up the matter for enquiry, filed a closure report stating that no case could be registered on the complaint given by the 5th respondent and directed him to work out his remedy before a competent civil court. The petitioner would submit that thereafter, he submitted an application on 15.06.2015 with necessary fees to the 1st respondent requesting him to survey the land and fix the four boundaries. Now, the grievance of the petitioner is that so far his representation has not been considered by the 2nd respondent and the 5th respondent who is a politically influential person, is threatening the jurisdictional surveyor and somehow preventing the authorities from measuring the property and hence he came forward with this writ petition.

3. Heard the submissions of Mr.M.Balasubramanian, the learned counsel appearing for the petitioner and Ms.P.Rajalakshmi, the learned Government Advocate, who accepts notice for the respondents 1 to 4 and also perused the records carefully.

4. This court, taking into consideration of the limited scope of the prayer sought for and without going into merits of the claim made by the petitioner, permits the petitioner to submit a representation/complaint to the respondents 3 & 4 narrating the alleged threat made to him as well as to the jurisdictional Deputy Taluk Surveyor by the 5th respondent and seeking protection to survey the land, if so advised, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation/complaint, the respondents 3 & 4 shall consider the same in accordance with law by putting on notice the 5th respondent also and give a disposal to the said representation/complaint within a period of six weeks thereafter and inform the decision taken, to

the petitioner as well as the 5th respondent. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Tahsildar,
Omalur Taluk,
Salem District.

2.The Deputy Taluk Surveyor,
Omalur Taluk,
Salem District.

3.The Deputy Superintendent of Police,
Omalur Taluk,
Salem District.

4.The Inspector of Police,
Jeevattipatti Police Station,
Omalur Taluk,
Salem District.

1 CC to Mr.M.Balasubramanian, Advocate SR.No. 33764

1 CC to the Government Pleader, SR.No. 33980

RSI (CO)
PSI (15.07.2015)

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