



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.16295 of 2020

R.Soundarrajan

... Petitioner

-Vs-

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Gujiliyamparai Taluk,
Dindigul District, Dindigul.

3.The Taluk Surveyor,
Vedasandur Taluk, Vedasandur,
Dindigul District.

4.The Inspector of Police,
Eriyodu Police Station,
Eriyodu, Dindigul District.

5.Ayyakannu

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 2 and 3 to survey and demarcate the petitioner's landed properties comprised in Survey Nos.1923/2 and 1924 situated at R.Kombai Village, Gujiliyamparai Taluk, Dindigul District and consequently, direct the fourth respondent to provide adequate police protection during the survey process of the petitioner's land by considering the representation of the petitioner dated 09.09.2020 within the time stipulated by this Court.

For Petitioner

: Mr.J.Lawrance

For R1 to R4

: Mr.K.P.Krishnadoss

Special Government Pleader.



ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents 2 and 3 to survey and demarcate the petitioner's landed properties comprised in Survey Nos.1923/2 and 1924 situated at R.Kombai Village, Gujiliyamparai Taluk, Dindigul District and consequently, direct the fourth respondent to provide adequate police protection during the survey process of the petitioner's land by considering the representation of the petitioner dated 09.09.2020 within the time stipulated by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4. Since no adverse order is going to be passed against the 5th respondent, notice to the 5th respondent is dispensed with.

4.According to the petitioner, his father namely, Ramasamy had purchased the property in Survey No.1923 to an extent of 1.25.00 Hectares and in Survey No.1924 to an extent of 4.41.50 Hectares situated at R.Kombai Village, Dindigul District and patta has been issued in Patta No.5449. While so, the 5th respondent had been disturbing the peaceful possession and enjoyment of the property in question. Hence, the father of the petitioner has filed a Civil Suit in O.S.No.6 of 2013 on the file of Sub Court, Vendasandur, Dindigul District and the same has been allowed in favour of the father of the petitioner. In the meantime, he died on 09.11.2019. After his demise, the petitioner is in possession and enjoyment of the property in question. In order to survey and demarcate the property in question, the petitioner has approached the second respondent on 09.09.2020 and also paid necessary charges for the same. Since no steps have been taken, the petitioner has approached this Court, seeking aforesaid prayer.

5.This Court without going into the merits of the case, directs the official respondents to survey the property of the petitioner, after affording opportunity to the petitioner as well as to the 5th respondent. The said survey shall be photographed and videographed in the presence of the petitioner and the costs of Photograph and Videograph to be borne by the petitioner. Such exercise shall be completed, within a period of three (3) months from the date of receipt of a copy of this order. At the time of conducting survey and in case of issuance of patta, the guidelines issued by this Court in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and W.P.(MD)Nos. 7746 of 2020 etc., batch dated 23.09.2020, have to



be scrupulously followed. If there is any law and order problem, the authorities can take the assistance of the police.

6. Accordingly, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Dindigul District, Dindigul.
2. The Tahsildar,
Gujiliyamparai Taluk,
Dindigul District, Dindigul.
3. The Taluk Surveyor,
Vedasandur Taluk, Vedasandur,
Dindigul District.
4. The Inspector of Police,
Eriyodu Police Station,
Eriyodu, Dindigul District.

+1 CC to SGP (SR-22371[F] dated 20/11/2020)

+1 CC to Mr.J.LAWRANCE, Advocate (SR-22282[F] dated 20/11/2020)

Order made in

W.P. (MD)No.16295 of 2020

19.11.2020

SV2 (CO)

KM (01.12.2020) 3P 7C