



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.2930 of 2021
and
W.M.P.No.3283 of 2021

Mr.M.Kannappan

... Petitioner

Vs

1.The Director,
Department of Survey and Settlement,
Survey House, Chepauk,
Chennai - 600 005.

2.The District Collector,
Dharmapuri,
Dharmapuri District.

3.The Deputy Director,
Survey Department,
District Collectorate,
Dharmapuri.

4.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

5.The Firka Surveyor,
Pennagaram Taluk,
Dharmapuri District.

6.The Revenue Inspector,
Pennagaram Taluk,
Dharmapuri District.

7.The Village Administrative Officer,
Paruvathanahalli Village,
Pennagaram Taluk,
Dharmapuri District.

8.The President,
Bar Association,
Pennagaram,
Dharmapuri District.



9.The Registrar General,
High Court Buildings,
Chennai - 600 104.

(R9, suo motu, impleaded vide order dated
05.07.2021 made in W.P.No.2930 of 2021)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus directing the Respondents to consider the representation dated 30.12.2020 sent by the Petitioners to the Respondents by directing them to appoint a Senior Surveyor to survey the lands at S.No.415/2 and S.No.419/1 and 1A to 1E of Paruvathnahalli village, Pennagaram Taluk, Dharmapuri District and file a report within a stipulated period.

For Petitioner : Mr.C.Umashankar.

For Respondents : Mrs.R.Anitha, State

Government Counsel for R1 to R7.

Mr.M.R.Jothimanian for R8.

Mr.B.Vijay for R9.

O R D E R

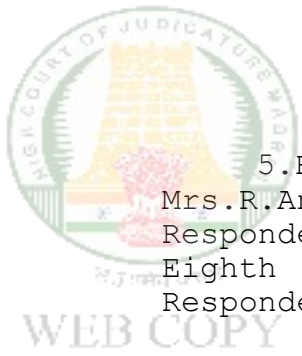
(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

2.The Petitioner has come before this Court seeking Writ of Mandamus directing the Respondents to appoint a Senior Surveyor to survey the lands at S.No.415/2 and S.No.419/1 and 1A to 1E of Paruvathnahalli village, Pennagaram Taluk, Dharmapuri District and file a report within a stipulated period.

3.According to the Petitioner, he is the owner of the property comprised in S.F.No.419/1A (Old Survey number 419/1) to an extent of 0.05.5 Ares which is equivalent to 14 ½ cents situated at Paruvathanahalli Village which is located adjacent to the property belonging to Chief Judicial Magistrate, Dharmapuri comprised in S.Nos.413/3, 415/2 and 416 to an extent of 55 cents.

4.The Petitioner would contend that in the guise of measuring the Court's property, the local body is trying to encroach upon the Petitioner's property comprised in S.F.No.419/1A. Therefore, the Petitioner gave representation on 30.12.2020 seeking for surveying the property. Since the survey has not been done, the Petitioner has come before this Court, by way of this Writ Petition.



5. Heard Mr.C.Umashankar, Learned Counsel for the Petitioner, Mrs.R.Anitha, Learned State Government Counsel appearing for the Respondents 1 to 7, Mr.M.R.Jothimanian, Learned Counsel for Eighth Respondent and Mr.B.Vijay, Learned Counsel for the Ninth Respondent.

6. There is no dispute with regard to the property owned by the Petitioner as well as by the Court. Even though it is stated by Mrs.R.Anitha, Learned State Government Counsel appearing for the Respondents 1 to 7, Mr.M.R.Jothimanian, Learned Counsel for the Eighth Respondent and Mr.B.Vijay, Learned Counsel for the Ninth Respondent that already a survey has been conducted and there is no necessity for again conducting a survey, Mr.C.Umashankar, Learned Counsel for the Petitioner would submit that the Petitioner was not given notice at the time of survey.

7. In view of the above, the Third Respondent is directed to nominate a Senior Surveyor, Pennagaram Taluk, Dharmapuri to survey the property of the Petitioner comprised in S.F.No.419/1A (Old Survey Number 419/1) and the property belonging to the Chief Judicial Magistrate, Dharmapuri comprised in S.Nos.413/3, 415/2 and 416 situated at Paruvathanahalli Village, Pennagaram Taluk, Dharmapuri District in the presence of the Petitioner as well as the Chief Judicial Magistrate, Dharmapuri and demarcate the boundaries for the above said two properties.

8. If any encroachment is found in the above said two properties, the same shall be removed within a period of four weeks from the date of receipt of a copy of this order. Further, it is made clear that the Petitioner alone shall be present at the time of survey and no advocate is permitted to be present in both the sites.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Director,
Department of Survey and Settlement,
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Chennai - 600 005.

2.The District Collector,
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Dharmapuri District.

3.The Deputy Director,
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Bar Association,
Pennagaram,
Dharmapuri District.

9.The Registrar General,
High Court Buildings,
Chennai - 600 104.

+1CC to Mr.C.Umashankar, Advocate, SR.No.35848

+1CC to the Government Pleader, High Court, Madras, SR No.36575

W.P.No.2930 of 2021
and
W.M.P.No.3283 of 2021

EV (CO)
B.VC (17/08/2021)