

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.2720 of 2021
and WMP.No.3052 of 2021

D.Dharani

... Petitioner

Vs

1.The State of Tamil Nadu
Rep by its Secretary
Revenue Department
Secretariat
Fort St.George
Chennai - 600 009.

2.The District Collector
Office of the Collectorate
Tiruvannamalai
Tiruvannamalai District - 606 604.

3.The Superintendent of Police
Office of the Superintendent of Police
Tiruvannamalai
Tiruvannamalai District.

4.The Revenue Divisional Officer
Cheyyar Revenue Division
Cheyyar,
Cheyyar Taluk
Tiruvannamalai District.

5.The Tahsildar
Office of the Tahsildar
Chetpet
Chetpet Taluk
Tiruvannamalai District - 606 801.

6.The Inspector of Police
Office of Police Station
Polur,
Polur Taluk
Tiruvannamalai District - 606 803.

7.The Taluk Deputy Surveyor
Taluk Office
Chetpet,
Chetpet Taluk
Tiruvannamalai District - 606 801.

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the seventh respondent and through 5th respondent and his subordinates through 2nd respondent and 4th respondent with protection of the 6th respondent, the survey officer to survey the petitioner land, petitioner's representation dated 25.01.2020, 05.3.2020, 26.05.2020 and 12.11.2020 by metes and bounds survey the petitioner's land, identify and mark the point area wherever the stone is missing and lay the survey stones according to Survey Act and its rule in old patta No.375, new patta No.888 and its Survey No.133/10E at Pernambakkam Village, Semmiayammangalam Post, Chetpet Taluk, Tiruvannamalai District.

For Petitioner : Mr.P.N.Peruvazhuthi

For Respondents: Mr.E.Balamurugan

Special Government Pleader [R1 to R7]

ORDER

The petitioner has moved several representations dated 25.01.2020, 05.3.2020, 26.05.2020 and 12.11.2020, for survey and demarcation of his property, and now has sought a direction to this Court to direct the District Collector, through whom to direct the Tahsildar, who will in turn is to direct the Taluk Deputy Surveyor, and also to provide police protection to the whole exercise, for which another direction is sought to the sixth respondent, the Inspector of Police, Polur Taluk.

2. Mr.E.Balamurugan, learned Special Government Pleader takes notice for respondents 1 to 7. The learned Special Government Pleader submitted that on the representations of the petitioner, some field survey was attempted, to which, there was a strong objection from the eighth respondent and it is plausible, it is for this reason the petitioner also seeks the concerned Inspector of Police to give police protection.

3. This Court is amused that where the public servants ought to have approach the police for necessary protection for any obstruction that they face while discharging the official duty, they have driven the petitioner to seek police help for the official respondents to do their duty. Should they be reminded that they are public servants covered under Section 353 IPC? Having said that, the duty is cast on the surveyor to issue necessary notices to all the parties who are likely to be affected by his intended decision under Section 9 of the Tamil Nadu Survey and Boundaries Act, 1923, and it is only when the officials have done their job as per the Tamil Nadu Survey and Boundaries Act, can they be said to have acted officially.

4. The learned Special Government Pleader makes a further statement on instructions that the enquiry is scheduled to take place at 12.00 p.m., on 03.3.2021 in the Office of the Tahsildar, Chetpet Taluk, Tiruvannamalai District, the fifth respondent herein. The said statement is recorded.

5. Inasmuch as the date for enquiry is fixed by the respondents, no direction is required to be given except that the fifth respondent/Tahsildar, Tahsildar, Chetpet Taluk, Tiruvannamalai District, is directed to hold an enquiry after issuing notices to all the parties who are likely to be affected by his decision, and after providing the parties a fair and effective hearing and to dispose of the said representation through a speaking order within a period of twelve (12) weeks from the date of service of order copy, subject to such time that may be lost in responsibilities connected with the ensuing General Election of the Tamil Nadu State Legislative Assembly, 2021.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ds

To:

1.The Secretary
Revenue Department
Secretariat, Fort St.George
Chennai - 600 009.

2.The District Collector
Office of the Collectorate
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Tiruvannamalai District - 606 604.

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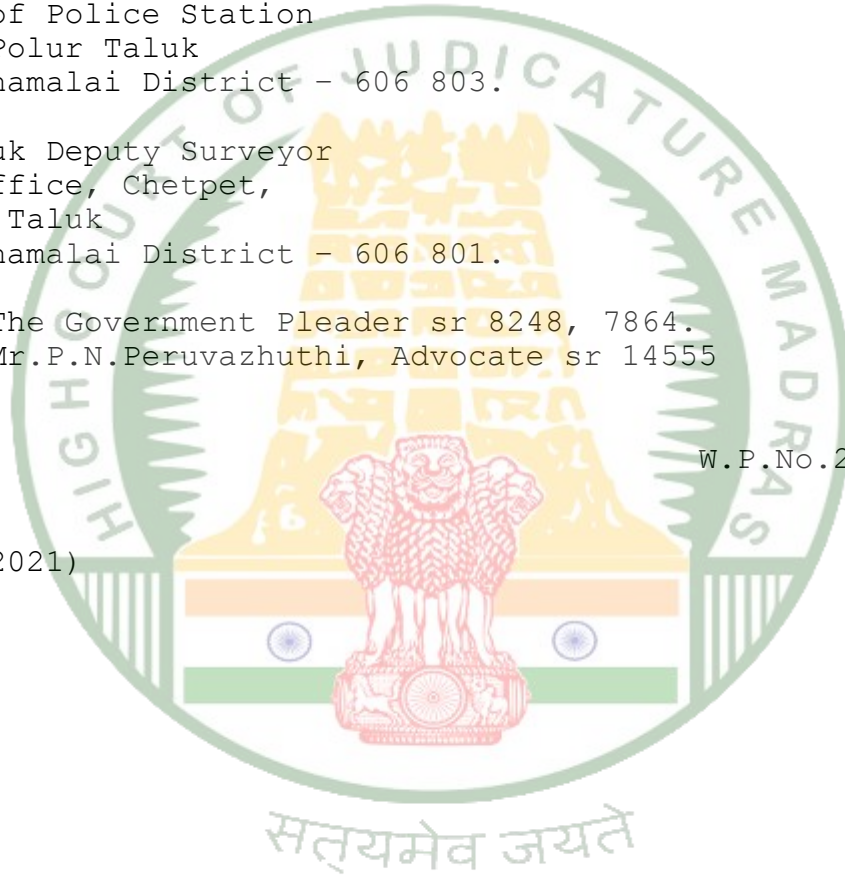
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Tiruvannamalai District - 606 801.

+1 CC to The Government Pleader sr 8248, 7864.
+1 CC to Mr.P.N.Peruvazhuthi, Advocate sr 14555

W.P.No.2720 of 2021

SS(CO)
SP(08/03/2021)



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