



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.21224 of 2021

Ponnusamy

... Petitioner

-Vs-

1.The Tahsildar,
Komarapalayam,
Komarapalayam,
Namakkal District.

2. The Firka Surveyor,
Pallipalayam,
Komarapalayam,
Namakkal District.

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondents to survey the petitioner's property situated at Old S.F. No.66, New S.F.No.66/2, situated at Pallipalayam Agraharam Village, Namakkal District by considering the petitioner's application and challan dated 13.07.2020 and 16.08.2021 and pass appropriate orders accordingly.

For Petitioner :: Mr. R. Marudhachalamurthy

For Respondents :: Mr.V. Veluchamy
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to survey the petitioner's property situated at Old S.F. No.66, New S.F.No.66/2, situated at Pallipalayam Agraharam Village, Namakkal District by considering the petitioner's application and challan dated 13.07.2020 and 16.08.2021 and pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioner and the learned Government Advocate as well as perused the material available on records.



3. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, it is seen that the petitioner has purchased the aforesaid property by way of Court auction sale on 23.12.2004, in connection with the case in R.E.P. No.16 of 2001 on the file of the Principal District Munsif, Trichengode. The petitioner has filed R.E.A.No.01 of 2019 in R.E.A. No.299 of 2005 in R.E.P. No.16 of 2001 in O.S. No.34 of 1996, for delivery of possession due to non-delivery of physical possession wherein the Execution Court has passed an order dated 22.04.2019 directing the Police to provide necessary protection to the Senior Bailiff in order to execute the Delivery warrant issued by the Court. Even though CMSA No.28 of 2019 was filed against the aforesaid order, as there was no interim orders in executing the Delivery Warrant, this Court by its order dated 29.01.2021 in Crl. O.P. No.17306 of 2020 directed the Police to provide police protection in order to execute the order passed by the Court below dated 22.04.2019 and further directing the petitioner to make a fresh representation to the Police along with all the relevant documents and also a copy of that order. Under such circumstances, even though the petitioner has paid necessary charges to survey and fix the boundary on 13.07.2020, the property of the petitioner was not measured due to insufficient fees paid by him. Thereafter, the petitioner filed a fresh application on 16.08.2021 having paid necessary charges to survey his property vide Challan No.20210816353736 dated 16.08.2021. Even thereafter, the respondents have not taken any steps to survey the property and put boundaries for the same. In view of the G.O.M.S. No.99 passed by the Government of Tamil Nadu as per the direction of this Court in W.P.No.20527 of 2014, this Court without expressing any opinion with regard to the merits of the case, directs the respondents to consider the petitioner's applications dated 13.07.2020 and 16.08.2021 and pass appropriate orders on them within a period of eight weeks from the date of receipt of copy of this order in accordance with law.

4. With the aforesaid directions, the present Writ petition stands disposed of. Consequently, connected miscellaneous petition is closed if any. No costs.

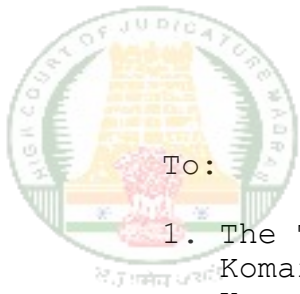
Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Lbm



To:

1. The Tahsildar,
Komarapalayam,
Komarapalayam,
Namakkal District.

2. The Firka Surveyor,
Pallipalayam,
Komarapalayam,
Namakkal District.

+1cc to Mr. R. Marudhachalamurthy, Advocate, S.R.No.51808

W.P. No.21224 of 2021

KSM(CO)
CT/16/12/2021