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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27277 of 2021

D.Dharani

Vs

...Petitioner

1. The State of Tamilnadu,
Rep.by its Secretary,
Revenue Department,
Secretariat, St.Fort George,
Chennai - 600 009.
2. The District Collector,
Office of Collectorate,
Tiruvannamalai,
Tiruvannamalai District - 606 604.
3. The Superintendent of Police,
Office of Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District - 606 604.
4. The Revenue Divisional Officer,
Cheyyar Revenue Division,
Cheyyar, Cheyyar Taluk,
Tiruvannamalai District - 604 407.
5. The Tasildar,
Office of Tasildar,
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,
Office of Taluk Office,
Chetpet, Chetpet Taluk,
Tiruvannamalai District - 606 801.

8. K.Annadurai

..Respondents



Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to consider the petitioner's representations dated 25.06.2021 and 23.08.2021.

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For Petitioner : Mr.G.Mutharasu

For Respondents : Mr.S.Rajesh
Government Advocate (for R1 to R7)

ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the respondents 1 to 5 to consider the petitioner's representations dated 25.06.2021 and 23.08.2021.

2.The petitioner owned the property comprised in S.No.133/10E under Old Patta No.375 and New Patta No.888, dated 25.01.2016, ad-measuring an extent of 0.04.5 Ares. Thereafter, the petitioner came to understand that there was some error in the measurement and as such, he submitted application to survey his land. It was not done and as such, the petitioner approached this Court in W.P.No.2720 of 2021 and by order dated 10.02.2021, this Court directed the fifth respondent therein to hold an enquiry after issuing notice to all the parties and pass orders within a period of twelve weeks. Thereafter, the fifth respondent therein conducted enquiry and surveyed the land. While conducting survey, the eighth respondent interfered in the survey procedures and damaged the doom of his father-in-law and also the property. Therefore, the petitioner lodged a complaint before the respondents 2 to 6 to take appropriate action including Police protection.

3.On instructions, the learned Government Advocate appearing for the respondents 1 to 7 submitted that, as directed by this Court in W.P.No.2720 of 2021, by order dated 10.02.2021, the fifth respondent conducted enquiry and surveyed the land as requested by the petitioner. Therefore, the petitioner's land is duly surveyed by the fifth respondent. In respect of the damage caused by the eighth respondent and creating hindrance over the peaceful possession and enjoyment of the petitioner's property by the eighth respondent, the petitioner ought to have filed a suit as against the eighth respondent for appropriate relief claiming damages, etc. Therefore, the representation of the petitioner cannot be considered by the Revenue Officials. However, the sixth respondent is directed to conduct enquiry on the complaints/representations dated 25.06.2021 and 23.08.2021 lodged by the petitioner and take appropriate action as against the eighth respondent, if any cognizable offence is made out.



4. With the above direction, this Writ Petition is dismissed. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The State of Tamilnadu,
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Chennai - 600 009.
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Tiruvannamalai District - 606 801.

+lcc to Mr.G.Mutharasu, Advocate, S.R.No.69111

+lcc to the Government Pleader, S.R.No.69555

W.P.No.27277 of 2021

NRL(CO)

RGA(11/01/2022) (21/01/2022)