



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.2703 of 2021

Ashokar

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Sub Collector,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Tahsildar Office,
Kodaikanal,
Dindigul District.

4.The Head Surveyor,
Tahsildar Office,
Kodaikanal, Dindigul District.

5.The Superintendent of Police,
Dindigul District, Dindigul.

6.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

7.The Inspector of Police,
Kodaikanal Police Station, Dindigul District.

8.Natesan

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to survey and fix the boundary stones on the petitioner's land of undisputed land of 73 cents out of the total land of 77.6 cents in Survey T.Survey No.44, Ward No.C, Block No.20, situated at Kalaingar Nagar, M.M.Street, Kodaikanal, Dindigul District and consequently, direct the respondents 5 to 7 to give police protection at the time of survey the land by considering the



petitioner's representation, dated 10.01.2020 and 21.01.2021, within a time frame stipulated by this court.

For Petitioner	: Mr.T.Indrachithu
For Respondents	: Mr.R.Sureshkumar for R1 to R7 Government Advocate

WEB COPY

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representations made by the petitioner on 10.01.2020 and 21.01.2021 and to survey the subject property and fix the boundaries.

2.The case of the petitioner is that he is the power of attorney holder from one V.Chokkalingam and his wife Nachiyar, who had purchased the subject property measuring an extent of 77.6 cents by virtue of a registered sale deed, dated 15.06.1995. The further case of the petitioner is that the 8th respondent had trespassed into the property and had grabbed 4 ½ cents out of 77.6 cents. A suit was filed by the 8th respondent in this regard and the same was dismissed and the counter claim filed by the petitioners were allowed. The same was confirmed in the appeal and the case is now pending at the stage of second appeal in S.A. (MD).No.574 of 2019 before this Court.

3.The petitioner made a representation before the respondents seeking for the survey of the property insofar as the undisputed portion of 73 cents is concerned. Since the representation was not considered, the present writ petition has been filed before this Court, seeking for appropriate directions.

4.Heard Mr.T.Indrachithu, learned counsel appearing for the petitioner and Mr.R.Sureshkumar, learned Government Advocate, appearing for the respondents. The 8th respondent has been served with notice and his name has also been printed in the cause list and there is no representation for the 8th respondent either in person or through counsel.

5.Taking into consideration the facts and circumstances of this case and the limited relief sought for in this writ petition, there shall be direction to the third and fourth respondents to consider the representations made by the petitioner on 10.01.2020 and 21.01.2021 and deal with the same on its own merits and in accordance with law insofar as the undisputed portion of 73 cents in the subject property and take a decision within a period of six weeks from the date of receipt of a copy of this order. The third and fourth respondents shall serve notice on other interested parties before undertaking the survey.



6.The petitioner is directed to make a fresh representation to the third and fourth respondents along with all the relevant documents and also a copy of this order. The petitioner shall also pay the necessary fees for conducting the survey.

7.This writ petition is disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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 Sub Collector,
Kodaikanal,
Dindigul District.
- 3.The Tahsildar,
Tahsildar Office,
Kodaikanal,
Dindigul District.
- 4.The Head Surveyor,
Tahsildar Office,
Kodaikanal, Dindigul District.
- 5.The Superintendent of Police,
Dindigul District, Dindigul.
- 6.The Deputy Superintendent of Police,

<https://hcservices.ecourts.gov.in/hcservices/>



Kodaikanal, Dindigul District.

7.The Inspector of Police,
Kodaikanal Police Station, Dindigul District.

+1 CC to M/s.K.MALAIMARAN, Advocate (SR-20513[F] dated 29/06/2021)

+1 CC to M/s.SPL GP (SR-20679[F] dated 30/06/2021)

Order made in
W.P. (MD) .No.2703 of 2021
Dated:
28.06.2021

AS(05.07.2021) 4P 10C