



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.14694 of 2021

WEB COPY

A.Alagarsamy

... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Thasildar,
Natham Taluk, Natham,
Dindigul District.
3. The Head Surveyor,
Natham Taluk, Dindigul District.
4. The Surveyor,
Natham Taluk, Dindigul District.
5. The Inspector of Police,
Natham Police Station,
Natham, Dindigul District.
6. Murugan
7. Ayyanar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to measure and mark boundaries of the petitioner's land in Survey No.404/08, Uralipatti Village, Natham Taluk, Dindigul District and the fifth respondent to provide adequate police protection at that time based on the representation made by the petitioner on 29.07.2021 and on 07.08.2021.

For Petitioner : Mr.N.Vijayarajan

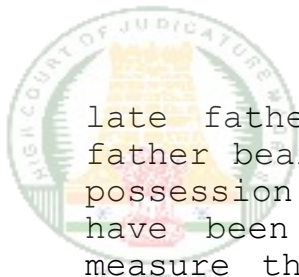
For Respondents : Mr.P.Subbaraj,

Counsel for the State, for R1 to R5

O R D E R

The petitioner seeks a survey of the land bearing Survey No.404/08, Uralipatti Village, Natham Taluk, Dindigul District.

2. The petitioner traces title to the said land through his



late father Ammaiya Gounder. The patta issued in favour of his father bearing Patta No.4 has been enclosed in support of title and possession. The petitioner alleges that respondents 6 and 7 herein have been obstructing the petitioner when he made attempts to measure the land. Consequently, representations were submitted to the official respondents on 29.07.2021 and 07.08.2021. The present writ petition is filed in view of the failure of such respondents to take action thereon.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 5. He submits that the petitioner's representation may be directed to be considered and disposed of on merits.

4. The petitioner has enclosed Patta No.4. Such patta is in the name of Ammaiya Gounder, who is said to be the petitioner's father. The said patta is in respect of three survey numbers including Survey no.404/08. The death certificate of the petitioner's father is also enclosed as is the legal heirship certificate. Such legal heirship certificate indicates the names of the petitioner and his elder brother Karuppiah. Accordingly, it would be necessary to issue notice to the said Karuppiah. In addition, the Tahsildar should also to issue notice to the private respondents before taking a decision.

5. In the aforesaid facts and circumstances, the second respondent herein is directed to consider the petitioner's representation dated 07.08.2021 and, if deemed appropriate, conduct a survey in respect of the land bearing Survey No.404/08. A reasoned decision in such regard should be taken and the entire exercise completed within a period of three months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, the petitioner's brother, Mr.Karuppiah, and the sixth and seventh respondents herein. In view of the fact that the merits of the matter have not been gone into and because the second respondent is directed to hear the private respondents before taking a decision, the writ petition is disposed of without notice to the private respondents.

6. Accordingly, W.P(MD).No.14694 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)

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To:

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Thasildar,
Natham Taluk, Natham,
Dindigul District.
3. The Head Surveyor,
Natham Taluk, Dindigul District.
4. The Surveyor,
Natham Taluk, Dindigul District.
5. The Inspector of Police,
Natham Police Station,
Natham, Dindigul District.

+1 CC to M/s.GP (SR-26767[F] dated 19/08/2021)

W.P. (MD) No.14694 of 2021

18.08.2021

MGJ(27.08.2021) 3P 7C