



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.16140 of 2021

WEB COPY

S.Ashik Ahamed

... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.
3. The Inspector of Police,
Kodaikanal Police Station (L&O),
Kodaikanal, Dindigul District.
4. The Tahsildar,
Kodaikanal Tahsildar Office,
Kodaikanal, Dindigul District.

5. Selvaraj.

... Respondents

Prayer: Writ 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 undisputed land comprised in patta No.2530 in New Survey No.1115 of Vilpatti Village, Kodaikanal Taluk, Dindigul District, with farm house bearing registration No.W3/715 and electricity connection number 05-251-010-427.

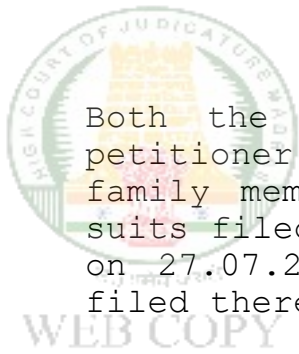
For Petitioner : Mr.K.K.Ramakrishnan

For Respondents : Mr.P.Subbaraj,
Counsel for State for R1 to R4

O R D E R

The petitioner seeks a survey and the fixation of boundary stones in respect of the land bearing new Survey No.1115, Vilpatti Village, Kodaikanal Taluk, Dindigul District.

2. The petitioner purchased the above mentioned property from one Jeyamani under a sale deed dated 03.03.2014. It is stated that there was a dispute between the petitioner's vendor, Jeyamani, and the fifth respondent herein. In that connection, O.S.No.134 of 1998 was filed by the petitioner's vendor seeking a permanent injunction. The family members of the fifth respondent filed O.S.No.1 of 1999.



Both the suits were tried jointly and the suit filed by the petitioner's vendor was decreed, whereas the suit filed by the family members of the fifth respondent was dismissed. The appeal suits filed against the said judgment and decree were also dismissed on 27.07.2004. The petitioner asserts that no further appeal was filed therefrom.

3. In support of the petitioner's claim over the property, the patta issued in the name of the petitioner's vendor is cited. The petitioner submitted two representations on 11.08.2021 and 16.08.2021, respectively, and has filed the present writ petition in view of the failure of the fourth respondent to take action thereon.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4.

5. The petitioner has enclosed a copy of the sale deed dated 03.03.2014 and also the patta in the name of his vendor. The judgment and decree in the original suits and appeal suits are also enclosed. On such basis, the petitioner has made out a case for the issuance of a direction to the fourth respondent to consider the representation for conducting a survey of the land. However, the fifth respondent herein should be put on notice before such representation is disposed of.

6. Accordingly, without going into the merits of the matter, the fourth respondent herein is directed to consider the petitioner's representation dated 11.08.2021 and dispose of the same either by conducting a survey in response thereto or by issuing a reasoned order to the petitioner. Such exercise shall be undertaken after providing a reasonable opportunity to the petitioner and the fifth respondent herein and completed within a period of three months from the date of receipt of a copy of this order. On account of the fact that the merits of the matter have not been gone into and because the fourth respondent has been directed to provide a reasonable opportunity to the fifth respondent, the writ petition is disposed of without notice to the private respondent.

7. W.P(MD).No.16140 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True
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/ /2021

Sub Assistant Registrar(CS)



To

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.
3. The Inspector of Police,
Kodaikanal Police Station (L&O),
Kodaikanal, Dindigul District.
4. The Tahsildar,
Kodaikanal Tahsildar Office,
Kodaikanal, Dindigul District.

+1 CC to M/s.GP (SR-28812[F] dated 13/09/2021)

W.P. (MD) No.16140 of 2021

09.09.2021

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