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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2014 of 2022

N.Sathishkumar

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Namakkal,
Namakkal District.
2. The Tahsildar,
Senthamangalam Taluk,
Namakkal District.
3. Head Surveyor,
Office of the Tahsildar,
Senthamangalam,
Namakkal District.
4. Chandrasekaran
5. Sundhararajan
6. Radhabhai
7. Revathi
8. Premalatha

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to lay boundary stones in the petitioner's land in S.No.154/2A2A and S.No.154/2E1 to the extent of 4 acres at Singalamkombai Village, Erumapatti Town Panchayat, Namakkal District based on the order passed by this Court in Cont.P.No.798 of 2020 dated 20.11.2020.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.G.Nanmaran
Special Government Pleader

O R D E R

The petitioner has filed this petition seeking issuance of writ of Mandamus, directing the 2nd respondent to lay boundary



stones in the petitioner's land in S.No.154/2A2A and S.No.154/2E1 to the extent of 4 acres at Singalamkombai Village, Erumapatti Town Panchayat, Namakkal District based on the order passed by this Court in Cont.P.No.798 of 2020 dated 20.11.2020.

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2. The case of the petitioner is that when he was a minor, his father had purchased the property in the name of the petitioner in S.F.No.154/2A2A, situated in Singalamkombai, Erumapatti Town Panchayat to the extent of 4 acres and joint patta was issued in respect of the above property. Thereafter, the father had decided to sell the above property for the purpose of educational expenses and also filed a petition seeking permission to sell the above property and the same was allowed by an order dated 05.12.2006. Thereafter his father made an application on 29.11.2018 to the 2nd respondent to survey the above land and sub divide the same and issue separate patta along with all necessary documents. Since no action was taken, the petitioner has filed W.P.No.15400/2019, wherein this Court directed the 1st respondent to take decision with regard to survey the land and for the issuance of separate patta to the petitioner. Though the said order was passed, it has not complied. Therefore, the petitioner has filed Cont.P.No.798 of 2020 and pending Contempt Petition, the respondents 2 and 3 conducted the survey and sub divided the same and issued separate patta in favour of the petitioner, however no boundary stones were laid by the Tahsildar, Senthamangalam. Thereafter when the above Contempt Petition came up for final hearing, this Court directed the respondent to lay the boundary stones in line with the survey conducted by the respondent, even thereafter, no boundary stone was laid by the 2nd respondent. Hence this petition is filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the respondents 1 and 2 to lay the boundary stones in the petitioner's land within a stipulated time as fixed by this Court.

4. The learned Special Government Pleader submitted that this Court may issue direction to the Tahsildar, Senthamangalam, Namakkal District, to lay the boundary stones at the cost of the petitioner, within a stipulated time.

5. Since no adverse order is passed against the respondents, notice to them is not necessary and this Court disposed of the matter based on the available materials.

6. Considering the facts and circumstances of the case and in view of the consent of the respective counsels on either side, the respondents 1 and 2 are directed to comply the order



in contempt petition and lay the boundary stones on the petitioner's land at the cost of petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Namakkal,
Namakkal District.
2. The Tahsildar,
Senthamangalam Taluk,
Namakkal District.
3. The Head Surveyor,
Office of the Tahsildar,
Senthamangalam,
Namakkal District.
4. The Tahsildar,
Senthamangalam,
Namakkal District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.8711
+1cc to the Government Pleader, S.R.No.9236

W.P.No.2014 of 2022

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NSK 07/03/2022