



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.7770 of 2022
and W.M.P.No.7789 of 2022

T.Durai

...Petitioner

Vs.

1.The District Collector,
Dharmapuri District.

2. The District Revenue Officer,
District Collectorate Office Campus,
Dharmapuri District.

3. The Revenue Divisional Officer,
Harur, Dharmapuri District.

4. The Tahsildar,
Harur, Dharmapuri District.

5. Mr.T.Chandrasekar.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 4th respondent from in any way survey the land in Survey No.41/11B and 41/11C situate at Chinnakavundampatti Village, Navalai Post, Harur Taluk, Dharmapuri District 635 305 by considering the petitioner's representation dated 15.02.2022.

For Petitioner : Mr.G.Selvaraj

For Respondents : Mr.R.Vigneshwaran
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus forbearing the 4th respondent from in any way survey the land in Survey No.41/11B and 41/11C situate at Chinnakavundampatti Village, Navalai Post, Harur Taluk, Dharmapuri District 635 305 by considering the petitioner's representation dated 15.02.2022.



2. The learned Government Advocate takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the property in Survey No.41/11B and 41/11C situate at Chinnakavundampatti Village, Navalai Post, Harur Taluk, Dharmapuri District 635 305. The above property was allotted to the petitioner's family, who were in enjoyment and in possession of said property. The 5th respondent's father was then Village Administrative Officer, using his influence and taking advantage of petitioner's father's illiteracy, obtained joint UDR Patta for S.No.41/11 in the year 1986. Then the survey number was subdivided as S.No.41/11C and petitioner in possession of the same. But for the land on the southern side of S.No.41/11C, the 5th respondent's father obtained UDR without surveying the land. Hence, petitioner filed a Civil Suits in O.S.No.127 of 2012 and O.S.No.206 of 2013, which is now pending on the file of District Munsif Court, Harur. In the interregnum, 2nd respondent issued a notice dated 04.02.2022 in Na.Ka./2021/B3 to the petitioner. Aggrieved by the same, this Writ petition is filed.

5. Learned Counsel for the petitioner submitted that it would suffice if this Court issue direction to the respondents to consider the petitioner's representation dated 15.02.2022 and pass orders within a reasonable time that may be fixed by this Court.

6. The learned Additional Government Pleader appearing on behalf of the official respondents submitted that already the 5th respondent has filed a suit in O.S.Nos.126 of 2012 and 206 of 2013, hence, this Court may direct the matter to the competent Civil Court.

7. Considering the facts and circumstances of the case, admittedly, it appears that for very same property, the Civil Suits in O.S.No.126 of 2012 and O.S.No.206 of 2013, on the file of District Munsif Court, Harur. In view of the above, this Court issue direction to the 4th respondent to measure the property in presence of petitioner as well as the 5th respondent, within 12 weeks, after affording an opportunity of hearing to the petitioner and 5th respondent. However, this Court makes it clear that measuring and survey is subject to result of the Civil Suit pending on the file of Civil Court and the Civil



Court is directed to decide the suit independently and pass orders without any influence of the order passed by the 4th respondent.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Psa/Nsa
To

1. The District Collector,
Dharmapuri District.
2. The District Revenue Officer,
District Collectorate Office Campus,
Dharmapuri District.
3. The Revenue Divisional Officer,
Harur, Dharmapuri District.
4. The Tahsildar,
Harur, Dharmapuri District.

+1 CC to Mr.G.Selvaraj, Advocate sr 24788
+1 CC to The Government Pleader sr 24716.

W.P. No.7770 of 2022

MT (CO)
SP(26/04/2022)