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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5711 OF 2022

AND

W.M.P.NO.5803 OF 2022

B.Arjunan

... Petitioner

Vs.

1. The Tahsildar,
Palladam Taluk Office,
Palladam,
Tiruppur District.

2. N.Paramasivam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certioraraified Mandamus, calling for the records relating to the order passed by the 1st respondent in proceedings C.A.A.324/2021E1 dated 28.12.2021 quash the same and direct the respondents to fix the boundary stones of petitioner's land in S.No.69/2 of Semmipalayam Village, Palladam Taluk, Tiruppur District to the extent of 5.65 acres.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.A.Anandan
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certioraraified Mandamus to call for the records relating to the order passed by the 1st respondent in proceedings C.A.A.324/2021E1, dated 28.12.2021 quash the same and direct the respondents to fix the boundary stones in the petitioner's land in S.No.69/2 of Semmipalayam Village, Palladam Taluk, Tiruppur District to the extent of 5.65 acres.



2. The learned Government Advocate takes notice for the official respondent. 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. Since no adverse order is being passed as against the private respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that the petitioner is the owner of the property in Survey No.69/2 of Semmipalayam Village, Palladam Taluk, Tiruppur District. There was a boundary dispute between the petitioner and the 2nd respondent and in order to resolve the same, petitioner made an application to the 1st respondent on 17.12.2020, for surveying the land. Since the 1st respondent did not take any action, the petitioner earlier filed a Writ Petition in W.P.No.7043 of 2021 and this Court by order dated 18.03.2021, directed the respondent therein to dispose of the petitioner's representation within a period of twelve weeks, after issuing notice to all the concerned parties. Thereafter, the Survey No.69/2 was surveyed by Taluk Surveyor on 09.04.2021 and it was found that there was discrepancy in two documents. Hence, the 1st respondent rejected the request of the petitioner on 28.12.2021. Challenging the same, this writ petition is filed with the above said prayer.

5. The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues a direction to the 1st respondent to consider the petitioner representation dated 20.12.2021 and pass orders within the time frame that may be stipulated by this Court.

6. The learned Government Advocate appearing on behalf of the official respondent submitted that the petitioner's representation dated 20.12.2021 will be considered by the respondent, within a reasonable time that may be fixed by this Court.

7. The facts in present case is not in dispute admittedly, there was discrepancy in documents owned by petitioner. The issue arises in this case has to be decided only by the competent Civil Court. The Revenue Officials has no power to decide the dispute. However, this Court is not inclined to issue any direction as sought by the petitioner. However, this Court permits the petitioner to file appropriate suit before the competent Civil Court as against the 2nd respondent. After succeeding the case, petitioner is at liberty to file a fresh application before the 1st respondent for measuring the property.



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

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Psa

To

The Tahsildar,
Palladam Taluk Office,
Palladam,
Tiruppur District.

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.17700

W.P.No.5711 of 2022
and W.M.P.No.5803 of 2022

SKM(CO)
RLP(06/04/2022)