



W.P.No.32969 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.32969 of 2015
and M.P.No.1 of 2015

P.Kolandaisamy

... Petitioner

Vs.

1.The District Collector,
Erode District.

2.The Tahsildar,
Perundurai Taluk,
Erode District.

3.The President,
N.Kandamapalayam Village Panchayat,
Perundurai Taluk,
Erode District.

4.Muthukrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to consider the representation dated 09.10.2015 and conduct proper survey of the entire extent R.S.No.4/4, 4/5 and 4/6 in N.Kandampalayam Village, Perundurai Taluk, Erode District and fix the boundary line of the common path way as per Revenue record and further direct the respondents 2 and 3 not to encroach the petitioner's patta land in R.S.No.4/4 and lay any road in

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the petitioner's land.

For Petitioner : Mr.R.S.Anandan

For Respondent 1 & 2 : Mr.C.Jayaprakash,
Government Advocate

For Respondent 3 : M/s.E.Rani Selvam

For Respondent 4 : Mr.I.C.Vasudevan

ORDER

The petitioner has filed this petition seeking direction to the respondents to consider the representation dated 09.10.2015 and conduct proper survey of the entire extent R.S.No.4/4, 4/5 and 4/6 in N.Kandampalayam Village, Perundurai Taluk, Erode District and fix the boundary line of the common path way as per Revenue record and further direct the respondents 2 and 3 not to encroach the petitioner's patta land in R.S.No.4/4 and lay any road in the petitioner's land.

2. The case of the petitioner is that the property comprised in agricultural land in R.S.No.4/4 measuring an extent of 1.48 Hectares situated at N.Kandampalayam Village, Perundurai Taluk, Erode District was originally belongs to petitioner. There was a common cart track/pathway in



R.S.No.4/5 and 4/6 and the same was gifted in favour of the third respondent by the petitioner on 01.06.2005 through a gift deed. This being so, the fourth respondent herein has filed a writ petition in W.P.No.25601 of 2015, stating that the petitioner has encroached the pathway in R.S.No.4/6 and the same was disposed of by this Court on 18.08.2012 by directing the third respondent to take necessary action after conducting proper survey and inspection by affording an opportunity of hearing. Without following the direction of this Court, the second respondent at the instigation of the 3 & 4 respondent laid stones in the petitioner's land in R.S.No.4/4. Aggrieved over the same, the petitioner has submitted his objection on 08.10.2015 before the second respondent. However, no steps were taken. Thereafter, the petitioner has sent a detailed representation to the respondents on 09.10.2015 to measure the entire extent of R.S.No.4/4, 4/5 and 4/6 and fix the boundary line. However, till date no action has been taken by the respondents on the petitioner's representation. Hence, the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation



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dated 09.10.2015 and survey the subject property for fixing boundary lines and pass orders on merits within a particular time frame to be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents has no objection for said order being passed.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the respondents 1 and 2 to consider the petitioner's representation dated 09.10.2015 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any, including the fourth respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observation and direction, this Writ Petition is disposed of. No costs.



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Index : Yes/No

Speaking Order : Yes/No

To:

- 1.The District Collector,
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- 2.The Tahsildar,
Perundurai Taluk,
Erode District.
- 3.The President,
N.Kandamapalayam Village Panchayat,
Perundurai Taluk,
Erode District.



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M.DHANDAPANI,J.

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