



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8908 OF 2022

M.Asaithambi

...Petitioner

vs.

1. The Tahsildhar,
Pennagaram Taluk Office,
Pennagaram Taluk,
Dharmapuri District - 636 810.
2. The Head Surveyor,
Pennagaram Taluk Office,
Pennagaram Taluk,
Dharmapuri District - 636 810.
3. The Village Administrative Officer,
Sidumanahalli Revenue Village,
Pennagaram Taluk,
Dharmapuri District - 636 810.
4. The Inspector of Police,
Eriyur Police Station,
Eriyur Post,
Pennagaram Taluk,
Dharmapuri District - 636 810.
5. Sivan
6. Natarajan
7. Kaliyammal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents No.1 to 3 herein to conduct the Survey of the Subject Lands of the Petitioner i.e., Manavari Punjai Land comprised in Sidumanahalli Revenue Village Survey No.475/1A1, 475/1B1 and 475/1B2B (Old Survey Nos.475/1A and 475/1B) and measuring a total



extent of 3 Acres 56 Cents in the Sidumanahalli Revenue Village (Thonnaguttahalli Registration Village) of the Pennagaram Taluk in the Dharmapuri District with the adequate aid of the 4th respondent and fix the boundary stones in the Subject Lands in light of the guidelines issued in the Commissioner of Survey and Settlement Circular R.C.No.Q5/20403/2020 (sy) Dated 15-03-2021, within the stipulated time prescribed by this Hon'ble Court.

For Petitioner : Mr.A.M.Kamalanath

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed seeking for a issuance of a writ of Mandamus to direct the respondents No.1 to 3 herein to conduct the Survey of the Subject Lands of the Petitioner i.e., Manavari Punjai Land comprised in Sidumanahalli Revenue Village Survey No.475/1A1, 475/1B1 and 475/1B2B (Old Survey Nos.475/1A and 475/1B) and measuring a total extent of 3 Acres 56 Cents in the Sidumanahalli Revenue Village (Thonnaguttahalli Registration Village) of the Pennagaram Taluk in the Dharmapuri District with the adequate aid of the 4th respondent and fix the boundary stones in the Subject Lands in light of the guidelines issued in the Commissioner of Survey and Settlement Circular R.C.No.Q5/20403/2020 (sy) Dated 15-03-2021, within the stipulated time prescribed by this Court.

2. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

3. The case of the petitioner is that the petitioner purchased the property in above said Survey numbers from the respondents 5 to 7 situated at said Village vide sale deed dated 13.05.1996 and 18.06.2003. Thereafter patta has been transferred in favour of the petitioner. While that being so, the petitioner availed loan of Rs.14,00,000/- and Rs.8,10,000/- for organic farming from Lakshmi Vilas Bank and Axis Bank respectively. Thereafter, the petitioner installed certain Green Houses and vermicompost pit in the subject lands and the same was objected by the respondents 5 to 7 claiming that certain parts of the subject land belongs to them. While so, the petitioner made online and offline applications to the concerned officials to survey the subject land on 10.12.2019, 11.12.2019 and 09.03.2020. But the respondents 5 to 7 objected to the survey



carried out by the authorities. Hence the petitioner has come up with the present Writ Petition, seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents 1 to 3 to conduct the survey of the subject lands of the petitioner with adequate aid of the 4th respondent and fix boundary stones in the said lands and pass appropriate orders on merits within a time frame to be fixed by the Court.

5. The learned Special Government Pleader for respondents has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 1st respondent / Tahsildar to consider the petitioner's applications and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the private respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

8. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildhar,
Pennagaram Taluk Office,
Pennagaram Taluk,
Dharmapuri District - 636 810.
2. The Head Surveyor,
Pennagaram Taluk Office,
Pennagaram Taluk,
Dharmapuri District - 636 810.



3. The Village Administrative Officer,
Sidumanahalli Revenue Village,
Pennagaram Taluk,
Dharmapuri District - 636 810.

WEB COPY

4. The Inspector of Police,
Eriyur Police Station,
Eriyur Post,
Pennagaram Taluk,
Dharmapuri District - 636 810.

+1cc to the Government Pleader, S.R.No.25749

W.P.No.8908 of 2022

AD(CO)
RLP(02/05/2022)