



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.04.2022
CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.9453 of 2022

L.Selvam

...Petitioner

vs.

1. The District Collector, Krishnagiri.
2. The Superintendent of Police,
Krishnagiri District.
3. The District Revenue Officer,
Krishnagiri District.
4. The Tahsildar, Shoolagiri,
Krishnagiri.
5. The Inspector of Police,
Shoolagiri Police Station,
Shoolagiri, Krishnagiri.
6. Basavaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1-5 to survey the petitioner's property at New Survey No.52/2C1, Old Survey No.52/2C, Chennapalli Village, Shoolagiri, Krishnagiri measuring 0.79.75 hectares (1.97 acres) with police aid.

For Petitioner : Mr.R.Poornima
For Respondents : Mr.M.Murali
Government Advocate

ORDER

This writ petition has been filed seeking for a issuance of a writ of Mandamus to direct the respondents 1-5 to survey the petitioner's property at Old Survey No.52/2C, New Survey No.52/2C1, Chennapalli Village, Shoolagiri, Krishnagiri measuring an extent of 0.79.75 hectares (1.97 acres) with police aid.



2. Since no adverse order has been passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that the petitioner is the owner of the above said property situated at Chennapalli Village, Shoolagiri, Krishnagiri. Thereafter, patta stood mutated in favour of the petitioner. When the concerned authorities came forward to survey the petitioner's property, the 6th respondent herein and his wife interfered with the survey work and stalled the same. Due to which, the petitioner submitted a letter to the respondents 1 - 5 on 18.02.2022 to survey the petitioner's property with Police aid, since the same was not considered by the respondents 1 - 5, the petitioner has filed 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 - 5 to survey the petitioner's property with Police protection on considering his letter dated 18.02.2022 and pass orders on merits within a particular time frame to be fixed by this Court.

5. The learned Government Advocate for respondents 1 to 5 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. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the 4th respondent to consider petitioner's representation dated 18.02.2022 and dispose of the same, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as the private respondent, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the 4th respondent to decide the same at the time of disposing of the said representation purely on merits.

8. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



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To

1. The District Collector, Krishnagiri.

2. The Superintendent of Police,
Krishnagiri District.

3. The District Revenue Officer,
Krishnagiri District.

4. The Tahsildar, Shoolagiri,
Krishnagiri.

5. The Inspector of Police,
Shoolagiri Police Station,
Shoolagiri, Krishnagiri.

+1 cc to M/S.R.Poornima, Advocate Sr.NO. 26556

+1 cc to Government Pleader Sr.NO. 27153

W.P.No.9453 of 2022

SKM(CO)

A.SK(23/05/2022)