



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.9998 OF 2022

C.Kathirvel

...Petitioner

Vs.

- 1.The District Collector,
Dharmapuri District.
- 2.The District Revenue Officer,
Dharmapuri District.
- 3.The Revenue Divisional Officer,
Dharmapuri District.
- 4.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.
- 5.The Superintendent of Police,
Dharmapuri District.
- 6.The Inspector of Police,
Eriyur Police Station,
Pennagaram Taluk,
Dharmapuri District.

7.Thimmiammal

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fourth respondent to measure the land in Old.S.No.462, New Survey NO.462/3, measuring 1 Acre 30 cents situated at Ajjanahalli Village, Pennagaram Taluk, Dharmapuri District as per sale deed dated 28.06.1978 bearing document No.684 of 1978 and within the boundaries mentioned in the said sale deed and consequently directing the fifth and sixth respondents to provide adequate police protection for conducting survey.

For Petitioner : Mr.N.Naganathan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

The petitioner has filed this petition seeking direction to the fourth respondent to measure the land in Old.S.No.462, New Survey NO.462/3, measuring 1 Acre 30 cents situated at Ajjanahalli Village, Pennagaram Taluk, Dharmapuri District as per sale deed dated 28.06.1978 bearing document No.684 of 1978 and within the boundaries mentioned in the said sale deed and consequently directing the fifth and sixth respondents to provide adequate police protection for conducting survey.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by 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 claims to be the owner of the property comprised in Old S.No.462, New S.No.462/3, measuring an extent of 1 acre 30 cents, situated at Ajjanahalli Village, Pennagaram Taluk, Dharmapuri District. However, on earlier occasion, one Pandurangan, who is neighbouring land owner filed a writ petition before this Court in W.P.No.1943 of 2022, for measuring the very same property in S.No.462/3, and this Court by order dated 14.02.2022, granted liberty to the Pandurangan to make application before the third respondent therein and further directed the sixth respondent herein to give adequate police protection for conducting Survey. Hence, the petitioner made a representation dated 05.04.2022 before the respondents to survey the property as per Sale Deed dated 28.06.1978, bearing D.c.No.684 of 1978. However, till date no action has been taken by the respondents on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the fourth respondent to intimate the petitioner while measuring the property, as per order dated 14.02.2022 in W.P.No.1943 of 2022, to enable the petitioner to make his objections before the authorities and produce necessary documents in respect of the above said title.

5. The learned Special Government Pleader appearing for the respondents submits that the fourth respondent will measure the property and pass appropriate orders, after providing opportunity to both petitioner as well as to said Pandurangan within the time frame that may be fixed by this Court.



6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the fourth respondent to measure the property in terms of the order passed by this Court in W.P.No.1943 of 2022, dated 14.02.2022, and after hearing objections from both the petitioner as well as the said Pandurangan, pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

tri

To

- 1.The District Collector,
Dharmapuri District.
- 2.The District Revenue Officer,
Dharmapuri District.
- 3.The Revenue Divisional Officer,
Dharmapuri District.
- 4.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.
- 5.The Superintendent of Police,
Dharmapuri District.
- 6.The Inspector of Police,
Eriyur Police Station,
Pennagaram Taluk,
Dharmapuri District.

+1cc to M/s.N.Naganathan, Advocate Sr.No.28283

+1cc to the Government Pleader Sr.No.29696 (03/06/2022)

W.P.No.9998 of 2022

AD(CO)
RVM(28/04/2022)