



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.12209 OF 2022

Solaimuthu

... Petitioner

Vs.

1. The District Collector,
Cuddalore.
2. The Tahsildar,
Thittakudi Taluk,
Cuddalore District.
3. The Superintendent of Police,
Cuddalore.
4. The Inspector of Police,
P2, Ramanatham Police Station,
Thittakudi Taluk, Cuddalore District.
5. Kolanji

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS or any other appropriate Writ or direction in the nature of Writ directing the 1st and 2nd respondents herein to consider the representation of the petitioner dated 12.04.2022 to mark and fix boundary of the property situated in S.No.97/1 and S.No.97/2 in Pattakurichi Village of Thittakudi Taluk, Cuddalore District with necessary protection from the 3rd and 4th respondents.

For Petitioner : Mr.C.Vidhusan

For Respondents : Mrs.Anitha
Special Government Pleader



ORDER

The relief sought in this writ petition is to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 12.04.2022 and mark the boundaries of his property situated in S.Nos.97/1 and 97/2 in Pattakurichi Village of Thittakudi Taluk, Cuddalore District, with necessary protection from the respondents 3 and 4.

2. According to the petitioner, the land in S.No.97/1 measuring to an extent of 38.50 Ares, was originally, allotted by the Government, to his mother Vembayee through D-Form Patta bearing DKT No.53/1413 dated 19.05.2004; the land in S.No.97/2A measuring to an extent of 21.55 Ares was an ancestral property and the same was originally transferred to the petitioner's father Periyasamy; and both the lands have now been in possession and enjoyment of the petitioner, as his parents executed a settlement deed pertaining to those lands in his favour vide Document No.1270/2021 dated 31.12.2021, on the file of SRO, Thozhudhur. While so, the fifth respondent, who is the adjacent land owner, has made various attempts to encroach the lands of the petitioner. Therefore, the petitioner made a representation dated 12.04.2022 to the respondents 1 and 2, requesting to mark and fix boundaries of the subject lands with the assistance of the respondents 3 and 4 / police officials. Finding no response on the said representation, he has come up with this writ petition for the above stated relief.

3. The learned counsel for the petitioner drew the attention of this court to the E-challan enclosed at page 33 of the typed set of papers and submitted that the petitioner has already paid the necessary fee for measuring and fixing the boundaries of his lands. However, till date, no action has been taken by the second respondent with regard to the claim of the petitioner. Therefore, the learned counsel prayed for appropriate direction to the second respondent.

4. On the other hand, the learned Special Government Pleader, taking notice for the respondents 1 to 4, fairly submitted that the 2nd respondent would consider the representation of the petitioner and take appropriate action, on merits, within a time frame to be stipulated by this court.

5. Considering the facts and circumstances of the case coupled with the submissions made by the learned counsel on either side, more particularly that the petitioner has already paid the necessary fee for measuring his lands, this court directs the 2nd respondent to consider the representation of the



petitioner dated 12.04.2022 and take steps to survey, mark and fix the boundaries in respect of the subject lands in S.Nos.97/1 and 97/2A of Pattakurichi Village of Thittakudi Taluk, Cuddalore District. Such an exercise shall be completed on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and fifth respondent, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

mkn/ab

To

1. The District Collector,
Cuddalore.
 2. The Tahsildar,
Thittakudi Taluk,
Cuddalore District.
 3. The Superintendent of Police,
Cuddalore.
 4. The Inspector of Police,
P2, Ramanatham Police Station,
Thittakudi Taluk, Cuddalore District.
- +1cc to M/s.C.Vidhusan, Advocate, S.R.No.31180
- +1cc to the Government Pleader, S.R.No.31324

W.P.No.12209 of 2022

BP(CO)
RLP(19/05/2022)