



W.P.No.8167 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8167 of 2014

S.Pappathi

..Petitioner

Vs.

1.The District Collector,
Ariyalur District, Ariyalur.

2.The Tahsildar,
Ariyalur Taluk.

3.The Commissioner,
Panchayat Union, Ariyalur.

4.The President,
Panchayat Board
Wallajah Nagaram,
Ariyalur Taluk.

...Respondents

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the Respondents to take action on the petitioners representation dated 28.01.2014 by removing the iron fencing measuring 45.6 meters situate in Survey No.143, Wallajah Nagaram Village , Ariyalur Taluk.



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For Petitioner : Mr.P.Valliappan

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

This petition has been filed for issuance of writ of mandamus to direct the Respondents to take action on the petitioner's representation dated 28.01.2014, by removing the iron fencing measuring 45.6 meters situate in Survey No.143, Wallajah Nagaram Village , Ariyalur Taluk.

2. The case of the petitioner is that the property situated in S.F.No.142/10, Wallajah Nagaram Village, Ariyalur Taluk, originally belonged to his mother and subsequently as a legal heir, the petitioner is entitled to 2/3 share over the said property and thereafter the petitioner sold an extent of 27 cents to one Senthil kumar and is in possession and enjoyment of the remaining extent of land, which is a house site and from the south side of the said property, the petitioner reach the east west thar road leading to Kallankurichi only from S.F.No.143. While so, during July 2013, all of a sudden, the 4th respondent has put up an iron fencing in that thar road and preventing the petitioner's access and he is unable to reach his land. Hence, the petitioner gave representation to the 1st respondent on



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12.08.2013 to take action against the 4th respondent and also sent another representation dated 28.01.2014 to the respondents 1 to 3 to remove the iron fencing having width of 45.6 meters by taking action on the 4th respondent. Since no action was taken on the representation, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court grants liberty to the petitioner to file a fresh application before the Tahsildar and Taluk Surveyor to measure and fix boundaries of the property and if there is any encroachment, liberty may be granted to the petitioner to work out the remedy in the manner known to law.

4. The learned Government Advocate appearing for the official respondents has no serious objections for the said order being passed.

5. Considering the limited request sought for by the learned counsel



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appearing for the petitioner, this Court without going into the merits of the claim projected by the petitioner, grants liberty to the petitioner to file a fresh application before the Tahsildar and Taluk Surveyor to measure and fix the boundaries of the property in question in terms of the Tamil Nadu Survey and Boundaries Act, 1923, within a period of two weeks from the date of receipt of a copy of this order and if any such application is received, the jurisdictional Tahsildar and the Taluk Surveyor shall consider the same and pass appropriate orders within a further period of twelve weeks thereafter.

6. This Writ Petition is disposed of with the above terms. No costs.

09.09.2022

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To

- 1.The District Collector,
Ariyalur District, Ariyalur.
- 2.The Tahsildar,
Ariyalur Taluk.
- 3.The Commissioner,
Panchayat Union, Ariyalur.



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4.The President,
Panchayat Board
Wallajah Nagaram,
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M.DHANDAPANI.,J.



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