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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.30577 of 2014

J.Hussain Sheriff

... Petitioner

Vs.

1. Superintendent of Police,
Anti Land Grabbing Cell,
Krishnagiri.

2. Inspector of Police,
Krishnagiri.

3. The Tahsildar,
Office of the Tahsildar.
Krishnagiri.

4. Mr.K.Arumugam

5. Mr.K.Govindasamy

6. Mr.S.Pandu @ Ugasamy

7. Mr.Gowvaraj

8. Mr.Subramani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to survey the land measuring 81 cents out of the total extent of 1 hec. 67 ares comprised in S.No.816 Paiyur Village, Krishnagiri Taluk in accordance with the documents produced by the petitioner and file a report to the first respondent herein as to the details of persons who had illegally grabbed the land of the petitioner herein so as to enable the first respondents to initiate appropriate proceedings.

For Petitioner : M/S.M.Baskaran

For Respondents : Mr.M.Murali
Government Advocate



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the third respondent to survey the land measuring 81 cents out of the total extent of 1 hec. 67 ares comprised in S.No.816 Paiyur Village, Krishnagiri Taluk in accordance with the documents produced by the petitioner and file a report to the first respondent herein as to the details of persons who had illegally grabbed the land of the petitioner herein so as to enable the first respondent to initiate appropriate proceedings.

2. The case of the petitioner is that he is the owner of the aforesaid property. The petitioner acquired the property by way of a sale deed dated 27.12.2007 and subsequently, the petitioner had executed a Power of Attorney dated 19.07.2010 in favour of the petitioner to deal with the property including sale and administration of the property and the petitioner is in absolute possession and enjoyment of the same. In the year 2010, the respondents 4 to 8 joined together and trespassed into the property of the petitioner by removing the survey stones put up in his property. While questioning the illegal act of the respondents 4 to 8, in reply, the respondents 4 to 8 stated that they will leave the land only on payment money due and payable by the petitioner and also threatened the petitioner with dire consequences, if the petitioner attempts to redeem the land. However, the 5th respondent filed a Suit in O.S.No.70/2011 before the Learned Principal Subordinate Judge, Krishnagiri, seeking to recover money from the Power Agent of the petitioner. In the above suit, the plaintiff Mr.Govindasamy, 5th respondent herein, had also filed I.A.No.217/2011 for Attachment Before Judgment as security towards the amount claimed in the suit, seeking to attach the property to which the petitioner had obtained Power of Attorney, and the same was dismissed on 07.11.2011. Thereafter, the petitioner lodged a complaint before the Inspector General of Police, Coimbatore Zone on 28.02.2011. Further, the first respondent sent a letter to the third respondent to call for report as to the details of encroachers in the subject land. Therefore, the petitioner made a representation dated 19.06.2014 before the 3rd respondent to know the status report of the land. However, till date, no order has been passed. Hence, the present Writ Petition is filed.

3. The learned counsel for the petitioner submitted that this Court may permit the petitioner to survey the land, if he is in possession of the property.

4. Considering the limited request made by the learned counsel for the petitioner, this Court permits the petitioner to make a fresh application to survey the land, and if such



application is filed, the 3rd respondent is directed to pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of the petitioner's application.

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5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jd/nhs

To

1. Superintendent of Police,
Anti Land Grabbing Cell,
Krishnagiri.
2. Inspector of Police,
Krishnagiri.
3. The Tahsildar,
Office of the Tahsildar.
Krishnagiri.

+1cc to M/S.M.Baskaran, Advocate, S.R.No.18430
+1cc to the Government Pleader, S.R.No.18549

W.P. No.30577 of 2014

SS(CO)
CT 01/04/2022