



W.P.No.25541 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.25541 of 2022

P.Uthirasamy

... Petitioner

Vs.

1.The District Collector,
Erode District,
Erode.

2.The District Surveyor,
Erode District,
Erode.

3.The Revenue Tahsildar,
Perundurai,
Perundurai Taluk,
Erode District – 638 104.

4.The Taluk Surveyor,
Perundurai Taluk,
Erode District – 638 104.

5.S.Gurusamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,



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praying for issuance of Writ of Mandamus, directing the respondents 2 & 4 to survey the Cart track and fix boundary stones in R.S.No.126/3 and 126/8 at Pasuvapatti, Chennimalai, Erode District based on online application dated 23.08.2022 by appreciating the above stated facts.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.U.Bharanidharan,
Additional Government Pleader

ORDER

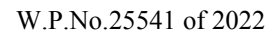
By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. This writ petition has been filed seeking for issuance of Writ of Mandamus, directing the respondents 2 & 4 to survey the Cart track and fix boundary stones in R.S.No.126/3 and 126/8 at Pasuvapatti, Chennimalai, Erode District based on the online application dated 23.08.2022.

3. The case of the petitioner is that the petitioner purchased a property comprised in Old S.No.247/3 and New R.S.No.126/2 to an extent of 96.33 cents at Pasuvapatti Village, Perundurai taluk, Chennimalai, Erode District



(hereinafter referred as 'subject property-I') from one Lakshmi and sold the same to one Gunasekaran. Subsequently, the petitioner purchased the subject property-I from the said Gunasekaran vide sale deed document No.90 of 2018. According to sale deed, the way to reach subject property-I is only through Patta cart track in R.S.No.126/3 measuring to an extent of 3 $\frac{3}{4}$ and 126/8 (hereinafter referred as 'subject property-II'). Adjacent to the subject property-I, fifth respondent owns a land in S.No.247/3 to an extent of 1.00 acre and the subject property-II runs in front of the fifth respondent's land. This being the case, the fifth respondent encroached the cart track in R.S.No.126/3 admeasuring a total extent of 1.3 $\frac{3}{4}$ cents and included the same in the release deed dated 07.04.2011 and obtained patta in his favour. Therefore, the petitioner made a complaint before the District Registrar, Erode about the encroachment and after enquiry, it was made clear that the fifth respondent has rights only with respect to 1.00 acre and he has no title over the subject property-II i.e., 3 $\frac{3}{4}$ cents. However, the fifth respondent continuously created hindrance in the subject property-II. Therefore, the petitioner made a representation dated 15.06.2022 before the respondents, seeking to survey the subject property-II and fix the boundary stone,



7. Taking into consideration the factual aspects of the matter, this



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Court without going into the merits of the case, directs the respondents 2 & 4 to to survey the Cart track situated in the subject property-II and fix boundary stones based on petitioner's online application dated 23.08.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as private respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition is disposed of. No costs.

22.09.2022

vm

Index : Yes/No

Speaking Order : Yes/No

To:

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2.The District Surveyor,
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Erode.

3.The Revenue Tahsildar,
Perundurai,
Perundurai Taluk,
Erode District – 638 104.

4.The Taluk Surveyor,
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M.DHANDAPANI,J.

Vm

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