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W.P.No.27079 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.27079 of 2022

N.Raja

... Petitioner

Vs.

The Tahsildar,
Attur Taluk,
Salem District – 636 102.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's application 2022091400594 dated 14.09.2022 by conducting survey of lands situated in Survey No.191/34, till the survey of the land by surveyor which is in the Govindhampalayam Village, Atthur taluk, Salem District – 636 101.

For Petitioner : Mr.K.Shyam Sunder

For Respondent : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's application 2022091400594 dated 14.09.2022 by conducting survey of lands situated in Survey No.191/34, till the survey of the land by surveyor which is in the



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Govindhampalayam Village, Atthur taluk, Salem District – 636 101.

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2. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that he had partitioned the land property in Govindhampalayam Village, Atthur Taluk, Salem District. The Old Survey No.31-10, new Survey No.191/34, and its sub division patta stand in the name of his father, measuring to an extent of the land 70 square meter. Originally the property was purchased by his father Narayanasamy from one Sakthivel Kumaran on 09.04.2001 vide registered sale deed Document No.589 of 2016. Till date, the petitioner had paid all the taxes and is in peaceful possession and enjoyment of the said property. While that being so, the property in S.No.191/33, the village panchayat planned to do the road construction from east to west namely called Govindhamplayam to Paakambaadi Road. Thereafter, the Panchayat for construction of the said road, without carrying out survey of the land, they intentionally claiming the petitioner's building is in the Government Poramboku land. Therefore, the Survey of land the petitioner had paid necessary fees vide challan No.20220914005984 dated 14.09.2022 for proper survey of the land to the



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district Tahsildar Surveyor. The village President unlawfully without considering the lawful procedure for eviction and land encroachment, arbitrarily trying to demolish the petitioner's shop building, by circulating a notice dated 09.09.2022, which the lands in Survey No.191/33 has to be demolished. However, till date, the respondents has not considered the petitioner's application. Hence, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the respondents to consider the petitioner's application 2022091400594 dated 14.09.2022 by conducting survey of lands situated in Survey No.191/34 and pass orders on the same within a particular time frame fixed by this Court.

4. Mr.U.Bharanidharan, learned Additional Government Pleader, appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondent to consider the



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petitioner's application 2022091400594 dated 14.09.2022 by conducting survey of lands situated in Survey No.191/34 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is accordingly is disposed of. No costs.

11.10.2022

Index : Yes / No
Speaking order: Yes/ No
gba

To

The Tahsildar,
Attur Taluk,
Salem District – 636 102.



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M.DHANDAPANI, J.

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