



W.P.No.30820 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.30820 of 2022

V.Dhanapal

...Petitioner

Versus

1.The Tahsildar,
Taluk Office,
Shoolagiri – 635 117,
Krishnagiri District.

2.The Head Surveyor,
Taluk Office,
Shoolagiri – 635 117,
Krishnagiri District.

3.Santha

4.Madhesh

5.Ranjitha

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 herein to survey the property comprised in Survey No.439/3 and New Survey No.439/3B, measuring to an extent of 24 cents situated at



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Thiyanadurkkam Village, Shoolagiri Taluk, Krishnagiri District and to fix the boundaries for fencing the property within the time to be stipulated by this Court based on the representation dated 29.03.2022.

For Petitioner : Mr.T.Vedi
For Respondents – 1 & 2 : Mr.U.Bharanidharan,
Additional Government Pleader

ORDER

Mr.U.Bharanidharan, learned Additional Government Pleader takes notice for the respondents 1 & 2. With the consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. The relief sought by the petitioner in this writ petition is to direct the respondents 1 and 2 herein to survey his property comprised in Survey No.439/3 and New Survey No.439/3B, measuring to an extent of 24 cents situated at Thiyanadurkkam Village, Shoolagiri Taluk, Krishnagiri District and to fix the boundaries for fencing the property, within the time to be stipulated by this Court based on his representation dated 29.03.2022.



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3. The case of the petitioner is that he purchased a land in Survey Nos.439/3 & 439/3B measuring to an extent of 0.24 cents situated at Thiyanadurkkam Village, Shoolagiri Taluk, Krishnagiri District from one Mr.Amaresan vide Sale Deed dated 03.05.2021 which was registered as Document No.1288 of 2021. After he purchased the said land, he has been in peaceful possession and enjoyment of the same as an absolute owner. The Revenue Records were mutated in his name and patta was also granted in his favour in Patta No.5404.

3.1. While so, petitioner approached the first respondent and requested to survey and measure his aforesaid land. On 11.02.2022, the petitioner has also paid the necessary charges for surveying and measuring his land vide Challan No.20220211001191. Due to an illegal intervention of respondents 3 to 5 (legal heirs of petitioner's vendor), the respondents 1 & 2 are not able to survey the petitioner's land. The respondents 3 to 5 are continuously threatening the petitioner and disturbing his possession over his land. Hence, the petitioner lodged a police complaint against the respondents 3 to 5 on 11.02.2022 and seeking police protection for surveying the land.



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3.2. Subsequently, the petitioner filed a Criminal Original Petition in CrI.O.P.No.4405 of 2022 before this Court. This Court vide order dated 09.03.2022 has disposed of the said petition by observing as follows:

“5. Considering the facts and circumstances of the case, the petitioner shall approach the Revenue Authorities and fix a date for survey and the same shall be intimated to the respondent Police in advance and the respondent Police shall give necessary police protection to the Revenue Authorities to conduct the survey. If any obstructions is raised during the aforesaid survey, appropriate action shall be taken by the respondent Police.”

3.3. As per the above direction issued by this Court in the order in CrI.O.P.No.4405 of 2022 dated 09.03.2022, the petitioner sent a representation dated 29.03.2022 to the respondents 1 & 2, to fix a date for surveying his land. Even after the receipt of his representation, there was no response from the side of the respondents 1 & 2. Hence, the aggrieved petitioner has filed the present writ petition before this Court.

4. Since no adverse order is being passed against the respondents 3 to 5, notice to the respondents 3 to 5 is dispensed with.



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5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. Considering the limited relief sought by the petitioner in this writ petition, this Court, without going into the merits of the case, directs the respondents 1 & 2 to consider the petitioner's representation dated 29.03.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the respondents 3 to 5, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

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Index : Yes/No



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M.DHANDAPANI, J.

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Copy to

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