



W.P.No.31307 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.31307 of 2022

P.Anandan

... Petitioner

Vs.

1.The Tahsildar,
Dharapuram Taluk,
Tiruppur District.

2.The Taluk Surveyor,
Dharapuram Taluk,
Tiruppur District.

3.Subramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 & 2 to adhere to the spirit of law and to keep in abeyance the survey work in S.Nos.431/4, 431/2A, 2B, 699/3 of Alangiyam Village, Dharapuram Taluk, Tiruppur District in the light of the petitioner's objection dated 26.08.2022 and until after the disposal of O.S.No.283 of 2022 pending before the District Munsif Court, Dharapuram and also not to issue the patta as prayed for by the petitioner's brother till the clear position emerges and after the disposal of the suit to clearly demarcate the boundaries in accordance with relevant revenue records



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including field map and other related revenue records and taking into account the existence of properties as on ground and to issue pattas for the respective properties to the concerned owner.

For Petitioner : Mr.V.Elangovan

For Respondents 1 & 2 : Mr.U.Bharanidharan,
Additional Government Pleader

ORDER

The petitioner has filed this petition for issuance of Writ of Mandamus directing the respondents 1 & 2 to adhere to the spirit of law and to keep in abeyance the survey work in S.Nos.431/4, 431/2A, 2B, 699/3 of Alangiyam Village, Dharapuram Taluk, Tiruppur District in the light of the petitioner's objections dated 26.08.2022 and until after the disposal of O.S.No.283 of 2022 pending before the District Munsif Court, Dharapuram and also not to issue the patta as prayed for by the petitioner's brother till the clear position emerges and after the disposal of the suti to clearly demarcate the boundaries in accordance with relevant revenue records including field map and other related revenue records and taking into account the existence of properties as on ground and to issue pattas for the respective properties to the concerned owner.



2. With the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

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

4. The case of the petitioner is that the petitioner and third respondent are brothers and there was boundary and property dispute in between them for the land comprised in S.Nos.431/4, 431/2A, 2B, 699/3 situated at Alangiyam Village, Dharapuram Taluk, Tiruppur District. Earlier the third respondent filed a writ petition before this Court in W.P.No.7462 of 2022 seeking for mandamus by directing the respondents to measure and sub divide the property comprised in S.Nos.431/2A (Old S.No.669/3, 702), 433/3 (Old S.No.706/2) and 431/4 (Old S.No.702) and this Court by its order dated 30.03.2022, directed the respondents to consider the same. Pursuant to which, the respondents have taken effective steps to measure the property and for the same, the petitioner made an objection dated 26.08.2022, however, without



considering the petitioner's objection, the respondents have hurriedly measured the property. Moreover, a Civil Suit in O.S.No.283 of 2022 on the file of the District Munsif Court, Dharapuram is pending between the petitioner and third respondent, however, without considering the same, the respondents measured the property. Hence, this writ petition.

5. Learned counsel for the petitioner would submit that it would suffice if this Court issues direction to the respondents to implement the order of this Court dated 30.03.2022 made in W.P.No.7462 of 2022 after considering the petitioner's objection dated 26.08.2022 within a time frame to be fixed by this Court.

6. Learned Additional Government Pleader appearing for the respondents would submit that he has no objection for the said direction being passed by this Court.

7. Heard the learned counsel on either side and perused the materials available on record.



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8. Taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to implement the order of this Court dated 30.03.2022 in W.P.No.7462 of 2022 after considering the petitioner's objection dated 26.08.2022 by affording reasonable opportunity of hearing to the petitioner as well as third respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this writ petition is disposed of. No costs.

23.11.2022

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Index : Yes/No

Speaking Order : Yes/No

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Tiruppur District.

2. The Taluk Surveyor,
Dharapuram Taluk,
Tiruppur District.

M.DHANDAPANI,J.

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