



W.P.No.32972 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM  
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32972 of 2017

N.Kannan

...Petitioner

Vs.

1. The District Collector,  
Villupuram District.
  2. The Tahsildar  
Kallakurichi, Villupuram District.
  3. The Deputy Director,  
Land & Survey Records,  
Villupuram.
  4. Muthusamy
  5. Muthukrishnan
  6. Jayanthi
  7. Venkatesan
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to complete proper enquiry in respect of the petitioner's property bearing S.No.402/3 and survey the land by the 3rd respondent and complete the same within a fixed time frame by this Hon'ble Court

For Petitioner : Mr.Usha Ramman



WEB COPY



W.P.No.32972 of 2017

For Respondents : Mr.U.Baranidharan, AGP, for R1 to R3  
: Mr.V.R.Kamalanathan, for R4

### **ORDER**

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 2nd respondent to conclude the proceedings initiated by the 3rd respondent and survey the petitioner's land by considering his representation dated.

2. Since no adverse order is being passed against the respondents 5 to 7, notice to the respondents 5 to 7 is dispensed with.

3. The case of the petitioner is that the petitioner's mother namely, Kamalam was issued with HSD patta in Patta No.860 in respect of the Government Natham property comprised in Old S.No.117/1, New S.No.402/3, situated at Emmapper Village, vide order of the Special Tahsildar, Kallakurichi dated 25.09.1995 and pursuant to the same, the petitioner's mother is in absolute possession and enjoyment of the said property. While so, due to some property dispute between the petitioner's mother and the 4th respondent, she filed a suit in O.S.No.158 of 1997 on the



W.P.No.32972 of 2017

file of the Additional District Munsif Court, Kallakurichi and the same was decreed in favour of the petitioner's mother on 27.11.2000 and against which an appeal was filed by the 4th respondent in A.S.No.191 of 2002 on the file of Additional District Court, Fast Track Court, Kallakurichi, which was dismissed on 01.08.2003, confirming the above said order made in O.S.No.158 of 1997 and the said judgement was confirmed by this Court on 12.12.2013 in Second Appeal in S.A.No.1649 of 2004 filed by the 4th respondent. Pursuant to the above said judgment and decree passed in favour of the petitioner's mother, confirming her title over the property, she executed a Settlement deed in favour of the petitioner in respect of the subject property. While so, despite the above said legal proceedings ended in favour of the petitioner's mother, the 4th respondent has been continuously making attempts to encroach the subject property. Aggrieved by the same, the petitioner made several representations before the 1st and 2nd respondents and also filed a complaint before the Inspector of Police, which evoked no response. Thereafter, the petitioner made a representation dated 07.08.2017 before the 3rd respondent, seeking to survey the subject property, and on receipt of the said representation, the 3rd respondent, vide proceedings dated 09.08.2017, forwarded the said representation to the 2nd



W.P.No.32972 of 2017

respondent and directed him to pass orders on the same and submit a report.

Pursuant to the said proceedings, though the 2nd respondent had issued notice to the petitioner and the respondents 5 to 7 to appear for enquiry on 29.08.2017, however, till the date of filing this Writ Petition, the enquiry was not concluded and no orders have been passed on the petitioner's representation. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 2nd respondent to conduct enquiry on the petitioner's representation dated 07.08.2017, in compliance with the proceedings of the 3rd respondent dated 09.08.2017 and to conclude the proceedings and pass orders on merits and in accordance with law as expeditiously as possible.

5. Learned Additional Government Pleader appearing for the respondents 1 to 3 has no serious objection for the said order being passed and he fairly conceded that the proceedings initiated by the 2nd respondent, as directed by the 3rd respondent will be concluded and appropriate orders will be passed on the petitioner's representation dated 07.08.2017 within the



W.P.No.32972 of 2017

time stipulated by this Court.

WEB COPY

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

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 2nd respondent to conduct enquiry on the petitioner's representation dated 07.08.2017, in compliance with the proceedings of the 3rd respondent and conclude the enquiry proceedings and pass orders on the petitioner's representation on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and the private respondents.

8. With the above directions, this Writ petition is accordingly disposed of. No costs.

**04.11.2022**

skt

Speaking Order : Yes/ No

Index : Yes/ No

5/7



W.P.No.32972 of 2017

To

WEB COPY

1. The District Collector,  
Villupuram District.
2. The Tahsildar  
Kallakurichi, Villupuram District.
3. The Deputy Director,  
Land & Survey Records,  
Villupuram.

**M.DHANDAPANI, J.**

skt

W.P.No.32972 of 2017



WEB COPY



W.P.No.32972 of 2017

04.11.2022