



W.P.No.31938 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.31938 of 2022

S.Prassanna

. . . Petitioner

Vs.

1. The Tahsildar
Mettur Taluk,
Salem District.

2. The Taluk Head Surveyor,
Mettur Taluk,
Salem District.

3. Inspector of Police,
Mecheri Police Station,
Mecheri,
Salem District.

4. Ramu @ Murugan

. . . Respondents



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PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate Writ or order or Direction to the 1st and 2nd respondents to measure the petitioner property as per the Patta No.487 for fix the fencing with the help of 3rd respondent based on the representation dated 29.04.2022.

For Petitioner : M/s.B.Sundarapandiyan

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

ORDER

The present petition has been filed seeking a direction to respondents 1 & 2 to measure the petitioner's property bearing Patta No.487 for the purpose of fencing with the help of the 3rd respondent based on the representation dated 29.04.2022.

2. Mr. U.Baranidharan, learned Additional Government Pleader takes notice for respondents.

3. It is the case of the petitioner that she is residing the subject property, which originally belongs to the grand father of her husband,



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wherein the cultivation is being carried out. After the demise of his grandfather, the said property devolved upon the petitioner's husband, for which joint patta was transferred in his favour. Due to the dispute between the petitioner and the 4th respondent, who is the adjacent land owner of the above said property, the petitioner and her husband made a representation dated 29.04.2022 before the 1st respondent seeking to survey the property, pursuant to which, notices for survey were issued to the petitioner as well as the 4th respondent, however, the 4th respondent had not co-operated to survey the property on more than two occasions. The petitioner's husband also made a representation to the 3rd respondent police seeking police protection at the time of survey of the property. Thereafter, the respondents have not taken further steps to survey the petitioner's property. Hence, the present petition has been filed.

4. Though very many grounds have been raised, however, learned counsel for the petitioners submitted that it would suffice if this Court issues a direction to the 1st respondent to survey the subject property based on the representation dated 29.04.2022 made by the petitioner seeking to survey



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the property and pass appropriate orders on the same, within the time that may be stipulated by this Court.

5. On the above contentions, this Court heard the learned Additional Government Pleader appearing for the respondents who has no objection to the said order being passed.

6. In view of the limited relief sought for by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the 1st respondent/tahsildar to survey the subject property and fix the boundaries, based on the representation dated 29.04.2022 made by the petitioner seeking survey of the property and pass appropriate orders on the same in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as to the 4th respondent, within a period of twelve weeks from the date of receipt of a copy of this order. It is open for the respondents to seek police protection from the law enforcing agency at the time of survey of the property.



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7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

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NHS

Index : Yes / No

Internet : Yes / No

To

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M.DHANDAPANI, J.

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