



W.P.No.18794 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

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

W.P.No.17792 of 2017

and

W.M.P.No.20322 of 2017

A.Subramanian

. . . Petitioner

Vs.

1. The District Collector,
Tiruppur District, Tiruppur
2. The Divisional/Tahsildar,
Tiruppur South Division/Taluk,
Tiruppur.
3. The Divisional Engineer,
National Highways,
No.6, A.T.T.Colony,
(Opp: The Hindu Newspaper),
Coimbatore-641 018.

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate Writ Ordder or Direction in the nature of a Writ, directing the 1st & 2nd Respondents to measure & clearly demarcate the Petitioner's Property measuring Acre 0.07 Cents bearing S.No.288/A7 in Alagumalai Billage, Tiruppur South Taluk,



W.P.No.18794 of 2017

Tiruppur District as per the Registered Sale Deed dated: 04.09.1957 in Doc.No:1713/1957 & Patta No.19 of the Alagumalai Revenue Village Tiruppur South Taluk, Tiruppur District and recognize the Petitioner's Rights over the above Property and consequently directing the 3rd Respondent to adopt the same and to strictly follow the due process of law, in case of any Acquisition of the Petitioner's Property measuring Acre 0.07 Cents S.No.288/A7 in Alagumalai Village, Tiruppur South Taluk, Tiruppur District.

For Petitioners : M/s.M.Easan

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

ORDER

The present petition has been filed seeking a direction to respondents 1 & 2 to measure & demarcate the petitioner's property in S.No.288/A7 in Alagumalai Billage, Tiruppur South Taluk, Tiruppur District measuring to an extent of about Acre 0.07 cents and direct the 3rd respondent to follow due process of law in case of acquisition of the petitioner's property.

2. It is the case of the petitioner that originally, the subject property was purchased by the petitioner's father Arumuga Gounder by way of a



W.P.No.18794 of 2017

registered Sale Deed dated 04.09.1957. After the demise of his father, the petitioner is in possession and enjoyment of the above said property. While so, the 3rd respondent having surveyed the property, had fixed the boundary stones for demarcating the property from the national Highways, as the said property is situated along the National Highway connecting Avinashipalayam. However, as some discrepancy existed in actual measurements of the property by the 3rd respondent, the petitioner made a representation to the 3rd respondent, seeking to remove the boundaries stones and the same was rejected. Therefore, the petitioner made another representation to the 1st respondent seeking to mark the boundaries as per the above sale deed and the same was forwarded to respondents 2 & 3, pursuant to which, upon joint inspection, the property was re-surveyed and boundaries were fixed, however, there was no clarity in the measurement. Aggrieved by the same, the petitioner has come up with the present petition.

3. This Court, heard the learned counsel appearing on either side.



W.P.No.18794 of 2017

4. It is to be pointed out that twice boundaries have been fixed with which the petitioner was not happy and once again he has approached this Court for fixing the boundaries.

5. In view of the limited request made by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the 2nd respondent/Tahsildar to measure the subject property, if not already measured, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. It is made clear that after completion of the aforesaid exercise, if the petitioner has any further grievance, the proper course open to the petitioner is only to approach the Civil Court and not to file a petition once again before this Court for the very same relief. No Costs. Consequently, the connected Miscellaneous Petition is closed.

17.10.2022

NHS

4/6



WEB COPY



W.P.No.18794 of 2017

To

1. The District Collector,
Tiruppur District, Tiruppur
2. The Divisional/Tahsildar,
Tiruppur South Division/Taluk,
Tiruppur.
3. The Divisional Engineer,
National Highways,
No.6, A.T.T.Colony,
(Opp: The Hindu Newspaper),
Coimbatore-641 018.



WEB COPY



W.P.No.18794 of 2017

M.DHANDAPANI, J.

NHS

W.P.No.18794 of 2017

17.10.2022