



W.P.No.18935 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.18935 of 2017

K.Arumugam

... Petitioner

Vs.

- 1.The Tahsildar,
Madurandagam Taluk,
Kancheepuram District.
- 2.The Inspector of Police,
Chittamur Police Station,
Madurandagam -Taluk,
Kancheepuram – District.
- 3.Elumalai
- 4.Harikrishnan
- 5.Raja

(R3 to R5 impleaded as per order dated 21.08.2017 in W.M.P.No.21412 of 2017)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 09.01.2017 and to survey the petitioner land comprised in old S.No.233/7 part, New Survey No.319/14 of 178 Peruveli (Paiyampadi) Village, Madurandagam Taluk, Kancheepuram District and to direct the second respondent provide police protection to survey the petitioner's land.

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For Petitioner : Mr.S.Anandakumar

For Respondent 1 : Mrs.U.Bharanidharan,
Additional Government Pleader

For Respondent 2 : M/s.P.Raja Rajeswari,
Government Advocate

For Respondents 3 to 5 : Mr.M.Sakthivel

ORDER

The petitioner has filed this writ petition for issuance of Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 09.01.2017 and to survey the petitioner land comprised in old S.No.233/7 part, New Survey No.319/14 of 178 Peruveli (Paiyampadi) Village, Madurandagam Taluk, Kancheepuram District and to direct the second respondent provide police protection to survey the petitioner's land.

2. The case of the petitioner is that the land comprised in old S.No.233/7 part, New S.No.319/14 of 17 Peruveli Village, Madurandagam Taluk, Kancheepuram District in Patta No.38 to an extent of 295 sq.mts was originally belongs to the petitioner and the same was issued by the first respondent under “Natham Nilavai Thittam”. While so, the respondents 3 to



5 have illegally encroached more than 5 feet on the southern boundary of petitioner's land and constructed a building. Therefore, the petitioner made several representation before the first respondent for surveying the land and mark the boundaries. After the receipt of petitioner's application, the first respondent sent the surveyors, however, they were interfered and prevented from surveying the land by the respondents 3 to 5. Therefore, the petitioner made another representation dated 09.01.2017 before the first respondent by enclosing all the relevant documents seeking for aforesaid relief, however, till date, no order was passed by the first respondent. Aggrieved over the same, the petitioner filed this writ petition.

3. Learned counsel for the petitioner would submit that it would suffice if this Court issues direction to the first respondent to consider the petitioner's representation dated 09.01.2017 within a time frame that may be fixed by this Court.

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



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5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the facts and circumstances, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 09.01.2017 by affording reasonable opportunity of hearing to the petitioner as well as private respondents and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

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Index : Yes/No

Speaking Order : Yes/No

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To:

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Madurandagam Taluk,
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- 2.The Inspector of Police,
Chittamur Police Station,
Madurandagam -Taluk,
Kancheepuram – District.



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M.DHANDAPANI,J.

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