



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22680 of 2022

Thanabalan

..Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Tahsildar Office,
Aathoor Taluk,
Dindigul District.

3.The Head Surveyor,
Tahsildar Office,
Aathoor Taluk,
Dindigul District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to survey and fix the boundary stones on the Petitioner's land in S.No.35/2K, 35/2E, 35/2D situated at Munnalaikottai Village, Aathoor Taluk, Dindigul District by considering the Petitioner's representation, dated 25.08.2022 within the time frame fixed by this Court.

For Petitioner :Mr.S.Muniyandi

For Respondents:Mr.D.Sadiq Raja
Addl Government Pleader

**ORDER**

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The Petitioner has prayed for issuance of a Writ of Mandamus directing the second respondent to survey and fix the boundary stones on the Petitioner's land in S.Nos.35/2K, 35/2E, 35/2D situated at Munnilaikottai Village, Aathoor Taluk, Dindigul District, by considering the Petitioner's representation, dated 25.08.2022, within the time frame fixed by this Court.

2.Mr.D.Sadiq Raja, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the Petitioner had purchased the property in S.Nos.35/2K, 35/2E and 35/2D, situated at Munnilaikottai Village, Aathoor Taluk, Dindigul District on 15.12.2004 by way of registered sale and the same was in his possession from the date of purchase without any encumbrance and the revenue records also stands in his name and has also remitted the necessary charges to the Government such as house-tax properly. Due to non-fixing of boundary stones, the Petitioner was unable to fence his property and under the said pretext, the neighbours have tried to grab the Petitioner's property and prevent him from the peaceful possession and enjoyment of the said property. Therefore the Petitioner has submitted a representation on



25.08.2022 to survey his land with relevant documents to the second respondent, which ended in vain. On repeated approach, the first respondent has forwarded the representation of the Petitioner to the second respondent for necessary action in Proceedings No.O.Mu.Ma.Pa.No.394/2022/E2, dated 6.9.2022. Since the second respondent has taken no steps thereafter, the Petitioner was forced to file the present Writ Petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that on the earlier representation made by the Petitioner on 14.8.2021, the Taluk Surveyor, after issuing notice to the third parties, surveyed the property and has fixed the boundary stones.Later Arulandu @ Arulanandam, son of Anthony has removed the said boundary stones and went before the Panchayat and asking two months time. Thereafter the Petitioner has given a complaint before the Chinnalapatti Police Station, Dindigul on 19.7.2021 and the same was registered in C.S.R.No.195 of 2021 and the same is pending. On 15.8.2022, the Petitioner appeared before the Police and gave statement that he had agreed for measurement of the lands in question and to fix the boundary stones for the same and on the same day the Land Surveyor concerned has also endorsed that the said land has been measured and four boundaries were fixed, by fixing the boundary stones.



5.The learned counsel for the Petitioner submits that he sent another application seeking police protection and again his land was measured and boundary stones were fixed.

6.From the above, it is seen that the Officials concerned have twice measured and fixed the boundary stones for the Petitioner's land and the same was removed by third parties due to their previous enmity and if there is any dispute between himself and third party, this is not the proper forum and has to approach the appropriate forum for getting necessary relief.

7.For the reasons stated above, this Writ Petition stands dismissed, directing the Petitioner to work out his remedy before the appropriate forum, for necessary relief, in accordance with law, if so advised. No costs.

27.09.2022

Index : Yes/No

Internet:Yes/No

vsn

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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

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