



W.P.(MD)No.24586 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 31.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24586 of 2022

V.Kalyani

.. Petitioner

Versus

1.The District Collector,
Theni.

2.The Tahsildar,
Uthamapalayam,
Theni District.

3.The Inspector of Police,
Kambam North Police Station,
Kambam.

4.Chinnan, S/o.Karuthakannuthevar

5.Karthik, S/o.Chinnan

6.Saravanakumar, S/o.Muthukumar

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to measure and fix the boundaries in respect of the land, located in Periyakulam Registration District, Chinnamanoor Sub-District, Appipatti @ Alagapuri Village – Punja Land – Patta No.2842, comprised in S.No.12/6, measuring an extent of 92 cents (0.37.0 Hectare), considering the representation of the petitioner, dated 13.09.2022.



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For Petitioner : Mr.T.S.Mohamed Mohideen
For Respondents 1 and 2: Ms.K.Christy Theboral
Additional Government Pleader
For 3rd Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the second respondent to measure and fix the boundaries in respect of the land, located in Periyakulam Registration District, Chinnamanoor Sub-District, Appipatti @ Alagapuri Village – Punja Land – Patta No.2842, comprised in S.No.12/6, measuring an extent of 92 cents (0.37.0 Hectare), by considering his representation, dated 13.09.2022.

2.Heard Mr.T.S.Mohamed Mohideen, learned counsel appearing for the petitioner, Ms.K.Christy Theboral, learned Additional Government Pleader, who takes notice for the respondents 1 and 2 and Mr.B.Thanga Aravindh, learned Government Advocate (Criminal side), who takes notice for the third respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he acquired the property, measuring an extent of 92 cents, located in Punjai Survey No.12/6, situated at Alagapuri



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Village, Appipatti, Chinnamanur, Periyakulam, through a registered partition deed entered in between his sisters, bearing Document No.619 of 2016, dated 11.02.2016. Earlier, the said property was enjoyed by the petitioner's father and mother and Patta also stands in the name of his father. Apart from the property mentioned above, the petitioner's parents left other properties to the share of his sisters as shown in the partition deed. The respondents 4 and 5 compelled the petitioner to sell the lands to them. However, the petitioner refused for the same. Hence, the respondents 4 and 5 filed a suit in O.S.No.18 of 2021, on the file of the District Munsif Court, Uthamapalayam, against the petitioner for injunction. Pending suit, an order of status quo was granted. Despite the same, the respondents 4 and 5 disturbed the petitioner's peaceful possession at the instigation of the sixth respondent and as such, a complaint was lodged before the respondent Police. Thereafter, a compromise was entered into between the parties and they were advised to approach the revenue authorities for fixing the boundaries of the land. Based on the said compromise, the suit was dismissed as withdrawn on 22.08.2022.

4.In the aforesaid circumstances, the petitioner made an application to measure the property in the year 2021. Even though the second respondent fixed a date for measurement on 20.04.2021, he did not take any steps to measure the property. Thereafter, the petitioner made an application on



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18.07.2022 before the second respondent/Tahsildar, Uthamapalayam, along with requisite fee to measure the property. Though the second respondent issued a notice for measurement, by fixing the date of measurement on 12.09.2022, he did not take any steps. Thereafter, on 13.09.2022 the petitioner filed an application before the second respondent for measuring the properties. However, till date the revenue authorities have not come forward to survey the petitioner's property. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned Government Advocate (Criminal side) appearing for the third respondent submitted that based on the complaint given by the petitioner, an enquiry was conducted, wherein the petitioner and the respondents 4 and 5 agreed to measure the properties as per the documents and if any land lies within the possession of the opposite party, they will relinquish their right and after measurement, they will abide by any order being passed by the Surveyor and the Tahsildar and as such, the complaint was closed.

6.From the documents filed in support of the Writ Petition, it is seen that the petitioner has annexed a Partition Deed, dated 11.02.2016 and Patta No. 2842 issued in his favour. Hence, the second respondent is directed to fix a date for measuring the property in question, measure the same and demarcate



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the boundaries, after issuing a notice to all the necessary parties concerned.

The entire exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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31.10.2022

To

- 1.The District Collector,
Theni.
- 2.The Tahsildar,
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Theni District.
- 3.The Inspector of Police,
Kambam North Police Station,
Kambam.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
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